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EIGHTH REPORT

OF THE

BOARD OF RAILWAY COMMISSIONERS FOR CANADA

FOR THE YEAR ENDING MARCH 31

1913

PRINTED BY ORDER OF PARLIAMENT



OTTAWA

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EXCELLENT MAJESTY

1914

BOARD OF RAILWAY COMMISSIONERS FOR CANADA

H. L. DRAYTON, K.C., *Chief Commissioner.*

D'ARCY SCOTT, *Assistant Chief Commissioner.*

HON. M. E. BERNIER, *Deputy Chief Commissioner.*

JAMES MILLS, *Commissioner.*

S. J. MCLEAN, *Commissioner.*

A. S. GOODEVE, *Commissioner.*

A. D. CARTWRIGHT, *Secretary.*

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REPORT

OF THE

BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

To His Excellency the Governor in Council:

Pursuant to the provisions of section 62 of the Railway Act, as amended by section 12 of chapter 32, 8-9 Edward VII, the Board of Railway Commissioners has the honour to submit its Eighth Report, for the year ending March 31, 1913.

Further, since the submitting of the Board's last report there have been no amendments to the Railway Act.

PUBLIC SITTINGS.

The following public sittings were held between April 1, 1912, and March 31, 1913:—

PROVINCE OF ONTARIO.

Ottawa.—April 2, 22; May 7, 13, 21; June 4, 17, 18, 19; July 3; August 22; September 17; October 1, 7, 8, 9, 10, 15, 16; November 4, 5, 6, 8, 27; December 3, 10, 17; January 7, 8, 9, 10, 11, 20, 21 (1913); February 4, 10, 11, 12, 13, 18 (1913); March 4, 18 (1913).

Toronto.—April 29, 30; May 23, 25; September 26, 27, 28; November 6; February 6, 7 (1913).

Hamilton.—May 22.

Peterborough.—May 31.

North Bay.—June 14.

Woodstock.—June 20.

St. Marys.—June 21.

St. Thomas.—June 21.

Windsor.—June 22; February 8 (1913).

Fort William.—July 17; November 8.

Arnprior.—February 3 (1913).

Port Hope.—February 5 (1913).

PROVINCE OF QUEBEC.

Montreal.—April 22; June 11, 12, 13, 14, 15; July 11; October 29; February 27 (1913).

Quebec.—July 10.

St. John.—July 8.

PROVINCE OF NEW BRUNSWICK.

St. John.—July 9.

PROVINCE OF NOVA SCOTIA.

Windsor.—June 6.

PROVINCE OF MANITOBA.

Winnipeg.—July 18; November 11; December 16.

PROVINCE OF SASKATCHEWAN.

Regina.—July 22; December 13.

Saskatoon.—July 23; November 18; December 16.

Moosejaw.—July 20; December 12.

PROVINCE OF ALBERTA.

Calgary.—July 25; November 25.

Edmonton.—July 24; November 22.

Banff.—November 26.

Lethbridge.—December 11.

PROVINCE OF BRITISH COLUMBIA.

Vancouver.—July 27, 28, 29; November 28, 29.

Victoria.—July 30; December 2.

Nelson.—December 9.

NORTHWEST TERRITORIES.

The Pas.—November 16.

The total number of public sittings was one hundred and two, at which six hundred and ninety-eight applications were heard, a list of which, together with the disposition of the same, will be found under appendix "B." It is not practicable to cover in this report the work of the year; but for general information and reference, certain of the more important matters dealt with by the board are herein referred to.

RAILWAY GRADE-CROSSING FUND.

In accordance with provisions of section 7 of 8-9 Edward VII, chapter 32, entitled an Act to amend the Railway Act, provision was made that the sum of \$200,000 each year, for five consecutive years from the first day of April, 1909, was appropriated and set apart from the Consolidated Revenue Fund for the purpose of aiding in the providing, by actual construction work, of protection, safety, and convenience for the public in respect of highway crossings of the railway at rail level in existence on the first day of April, the said sums to be placed to credit of a special account to be known as "The Railway Grade Crossing Fund," to be applied by the Board subject to certain limitations set out in the amending Act, solely towards the

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cost (not including that of maintenance and operation) of actual construction work for the purpose specified.

In dealing with such crossings, the Board issued, between the 1st of April, 1909, and the 31st of March, 1913, 219 orders, providing protection as follows:—

By Electric bells..	127
Gates..	51
Subways..	34
Overhead bridges..	16
Diversion of highways..	12
Closing of streets..	2
Removal of hill..	1
Total number of crossings protected..	243

Total number of crossings protected for the year ending April 1, 1913, was seventy-one, as compared with the total number of forty-three for the previous year ending April, 1912.

EXPRESS RATES ON SMALL FRUITS AND VEGETABLES.

The matter of express rates on fruit came before the Board for adjudication in connection with an application of Messrs. Stockton and Mallison, of Regina, Sask., for the restoration of the cancelled express rates of \$2 per 100 pounds on fruit in carloads from Lewiston, Idaho; Hood River, Oregon; and Riparia and Walla Walla, Washington; to Winnipeg and intermediate points (including Regina via Kingsgate), and that the minimum carload weight be made 15,000 pounds; also that the same rate and minimum weight be applied from Milton, Oregon, Seattle, Tacoma, and Puyallup, Wash., U.S.A. The application was heard at a sittings of the Board held on March 22, 1912, at Regina, Sask., before the Honourable J. P. Mabee, chief commissioner, and Commissioner S. J. McLean. The judgment of the Board was delivered by the Chief Commissioner, dismissing the application. The following is the judgment referred to:—

The Chief Commissioner:

At the hearing at Regina, the applicants alleged that they were applying for a rate on berries, small fruit, and vegetables, from Lewiston, Idaho; Hood River, Oregon; and Riparia and Walla Walla, Washington; to Regina.

It was stated that the American carriers by express were "most anxious to make tariffs with the Dominion Express Company." It was further stated that it was only a matter for the Dominion Express Company's concurrence. These features are, of course, most material, because the Board has no jurisdiction over either the carriers by express from the points mentioned within the United States or the traffic originating thereat. It will be obvious that the Board could not require these carriers to join with the respondents in establishing a through rate of \$2, with a 15,000-pound minimum, as asked from these foreign points, because no means exists for enforcing any such direction.

Section 336 of the Railway Act requires joint tariffs to be filed covering all traffic carried into Canada from a foreign country; but no order of this Board could properly be made directing that such tariff should be filed by the initial carrier, and, if made, no such order could be enforced.

The case closed upon the understanding that the applicants would obtain from the Great Northern Express Company a letter signifying its consent or willingness

to join in such joint through tariffs, setting forth the divisions and other material matter, or expressing its willingness to file such tariffs. While the Board could not require this foreign carrier to either file or concur, it might require the respondents to file, if the foreign carrier concurred, or concur if the foreign carrier were willing to file tariffs of the kind asked for, if they were thought by the Board to be fair and reasonable.

Instead of being able to get the concurrence or consent of the Great Northern Express Company, it now appears that the traffic manager of that company has refused to join in a \$2 rate, with division upon the usual basis of local rates to and from Spokane.

In a subsequent letter to a representative of the applicants, the Great Northern Express Company states that it is willing to accept 80 cents per 100 pounds out of whatever rate the applicants might make with the respondents, based upon 20,000 pounds minimum. The local rates to Spokane are \$1.10 per 100 pounds upon a 15,000-pound minimum. This reduction proposed by the Great Northern Express Company would then be about \$5 per car, and in no way meets the claims advanced by the applicants. The rate covered by respondents' tariffs on these fruits and vegetables, from Spokane to Calgary, Regina, and Medicine Hat, is \$2 per 100 pounds, minimum 20,000 pounds, and to Strathcona and Saskatoon, \$2.25 per 100 pounds. This added to the Great Northern Express Company's local to Spokane makes through rates of \$3.10 and \$3.35 respectively.

The Board has no information before it upon which it could say that \$2 would be a reasonable joint rate from these points, even if it had any jurisdiction over the haul in the foreign country.

It was contended at the hearing that, inasmuch as the respondents, in 1908, had a joint through tariff of the kind now claimed in effect with the Great Northern Express Company, the Board might require them to reinstate that tariff.

It was contended at the hearing that the present application was on all fours with the application in 1909 of Stockton and Mallinson in regard to freight rates on citrus fruits, and that a similar disposition might be made by the Board. However, in that case the Canadian Pacific Railway Company had specifically admitted that the rate of \$1.60 therein referred to was reasonable. It further developed that the portion of the rate received by the American carriers concerned was a combination of the full local for one carrier, and a percentage for another. When the new rate was established, these carriers insisted on having exactly the same amounts under the new rate as they had under the old. Actually, therefore, the only change made was in the proportion of the through rate received by the Canadian Pacific. In the present case the reinstatement of a rate is required as to certain points to which it formerly applied; its extension is also asked for to points to which it was not formerly applicable. In regard to re-establishing the rate, the American carriers by express have not concurred, and the difference in rates is such that it would be unfair to require the Dominion Express Company to accept all the shrinkage necessary to bring the through rate down to \$2. The Board has no power to require the express companies operating in American territory to bear any part of this necessary shrinkage. As to the extension of the rate to points in the United States to which it did not formerly apply, the Board has no jurisdiction so to order.

Difficulties of this character regarding international traffic are continually arising; no tribunal now exists that can deal with them, and until such body is established, shippers and others must be left to work their disputes out with the carriers as best they can.

Application dismissed.

Commissioner McLean concurred.

April 16, 1912.

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OPENING OF RAILWAYS FOR THE CARRIAGE OF TRAFFIC.

The question of the provisions of section 261 of the Railway Act, in connection with the opening of a railway company's line for the carriage of traffic other than for the purposes of construction came before the Board for consideration in connection with certain petitions of the residents of Resplendent, B.C., Fitzhugh, Alta., Moose Lake, B.C., Prairie Creek, Alta., Edmonton, Alta., Edson, Alta., and Hinton, Alta., for an order that the Grand Trunk Pacific Railway Company be compelled to open for traffic its line from Prairie Creek, west. The application was heard at sittings of the Board held in Edmonton, Alta., on March 18, 1912, the Honourable J. P. Mabee, chief commissioner, and Commissioner S. J. McLean, and the following judgment was delivered by the Chief Commissioner:—

Hon. Mr. Mabee:

Under section 261 provision is made as follows:—

“No railway, or any portion thereof, shall be opened for the carriage of traffic, other than for the purposes of the construction of the railway by the company, until leave therefor has been obtained from the Board, as herein-after provided.”

Then the following subsections of section 261 make provision for the formalities necessary for the opening of a railway for traffic, and the initial requisite is that the company should be desirous of so opening this railway for traffic.

Now, the law gives the company the right to say, and the company only, when that railway is in the condition, physically and otherwise, to be opened for traffic. Then, when the company is desirous, that is, when the company is of opinion that its railway is ready to be opened for traffic, the law provides that an official of the railway, defined in subsection 2, should make an affidavit stating that that railway or some portion of it, was, in his opinion, sufficiently completed for the safe carriage of traffic, and ready for inspection.

Then, it is inspected by one of the Board's engineers and, upon that engineer's report, the Board is authorized to open it for traffic. The Board, even, has no jurisdiction to open it for traffic after the application is made by the railway, unless one of its inspecting engineers has reported, after examining it, that, in his opinion, the opening of that road, or that portion, for the carriage of traffic, will be reasonably free from danger to the public using the same.

Now those provisions are all perfectly reasonable. It is perfectly reasonable, it seems to us, that the railway company should, in the first place, have the sole right to say when it wants to open its road for traffic, and it is perfectly reasonable that the law should require an engineer, or some official of the railway company who is in authority, to make an affidavit that the road was, in his opinion, sufficiently completed for the safe carriage of traffic. Then, it is reasonable that that road should be inspected by an independent engineer before the Board could authorize the carriage of traffic.

Those provisions, of course, are all for the safety of the general public, as regards both the transportation of passengers and freight.

From those sections, it is perfectly clear that we would have no authority to require this railway company to open its railway west of Hinton for traffic. It has applied in the past, and it has obtained orders for opening as far as Hinton. Beyond that, no application has been made, and beyond that this Board is powerless to require the railway to open its road for traffic, or to carry passengers or freight.

What I have said disposes of any suggestion that we should or could require it to be opened for traffic. But that does not end the situation. The evidence here dis-

closes that, under some arrangement with Foley, Welsh and Stewart, who are building the road, the railway is carrying, or understands it is carrying, freight for Foley, Welsh and Stewart, and labourers, either having entered their employ or intending to enter their employ when they reach the proper point.

As I have said during the discussion, I do not know of any clause in the Railway Act that forces a railway company to carry either freight or passengers for its contractor during construction. Section 261 provides that the railway should not be open for traffic other than for the purposes of the construction of the railway by the company. The railway here is not being constructed by the company; it is being constructed by independent contractors. But, as I have said, it seems entirely reasonable that a railway company should carry freight and labourers (by freight I mean ordinary supplies, camp utensils, and so on), where its road is being built by a contractor. It would be absurd if a railway company could not do that legally.

So, let us assume for the sake of the discussion, that this railway company is entirely within its right in carrying contractors' supplies and labourers for the building of the railway by its contractors. It is reasonable that it should do that; but, if it is reasonable that it should do that, it is equally reasonable that it should not go any further. They have no right to carry passengers other than those labourers, and they have no right to carry freight other than the contractors' supplies.

In this case, it has been established, and we find as a fact, that they have carried general passengers other than the labourers of their contractors; and it has been established, and we find as a fact, whether managing officials of the railway company knew it or not we say nothing, because the evidence discloses nothing upon the point, but it remains as a fact that it has carried contractors' supplies that were sold by the contractors, and were not used in the maintenance of their camps.

To that extent the railway company has violated the provisions of the law, it seems to us, under the first head clearly, in putting on a general passenger coach, accepting fares from the general public, and putting forth to the public a time-table that it was operating trains upon the main line of their railway, between Edmonton and Fitzhugh, carrying day coaches. Under that head, it has clearly violated the statute.

Under the second head, it may in one feature of it be a hardship upon the railway, if it understands it is carrying only contractors' supplies, to be held responsible for what that contractor does with those supplies after they are delivered over to the contractor; but there is no evidence here that the railway company has made any effort whatever either to find out that all of the supplies that were being taken in for Foley, Welsh and Stewart were necessarily contractors' supplies, nor has there been any evidence given here that the railway company made any attempt to distinguish between the passengers riding upon its trains, as to whether they were labourers or employees of the contractors, or whether it was the general public which was being carried.

The order, it seems to us, we are at liberty to make is this:—

Under section 317, a railway company is prohibited from making or giving any undue or unreasonable preference or advantage to or in favour of any particular person or company, or any particular description of traffic, in any respect whatsoever.

We find that the railway company here has discriminated in favour of their contractors, Foley, Welsh and Stewart. It has carried passengers who were not labourers, and it has carried camp supplies that were sold by Foley, Welsh and Stewart, which came in competition with other merchants who were carrying on their business at a disadvantage, namely, in being required to haul their supplies long distances over roads that made the haulage extremely expensive, and that expensive transportation made the cost of their product entirely out of proportion to that which the contractors of this railway company (by reason of their goods being hauled in by the railway company), cost them.

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We make an order:

1st.—That the Grand Trunk Pacific Railway Company shall cease discriminating in that carriage of freight traffic in favour of its contractors as against the general public over the section of the road in question; and that for any and every case of default or continuation of the discrimination, the Grand Trunk Pacific Railway Company shall be subject to a fine of one hundred dollars.

2nd.—We make no order with reference to the carriage of passengers. The railway company may or may not continue to carry passengers, or it may or may not continue to carry freight. It need not do either. We are saying nothing about that. We cannot require it to carry either passengers or freight. All we can do is to say, if it does carry freight and passengers it has to carry them under the provisions of the statute.

Upon hearing the application at the sittings of the Board held in Edmonton on March 18, 1912, in the presence of counsel for the petitioners and the railway company, the evidence offered, and what was alleged—

It is ordered that the Grand Trunk Pacific Railway Company cease discriminating in the carriage of freight traffic in favour of its contractors as against the general public over its line of railway from Hinton, in the province of Alberta, west thereof; and that for any and every case of default in complying with the terms of this order and the continuation of the discrimination complained of, the railway company shall be subject to a fine of one hundred (\$100) dollars.

J. P. MABEE,

Chief Commissioner.

APPROVAL OF WORKS CONSTRUCTED IN CONTRAVENTION OF THE STATUTE.

The consideration of the approval of works constructed in contravention of the statute came before the Board for consideration in connection with an application of the Grand Trunk Pacific Branch Lines Company under section 167 of the Railway Act, for approval of revised right of way and location of station on its Tofield-Calgary branch, between township 42, range 21, and township 41, range 21, west of the 4th meridian, Alberta, at station known as Bashaw, Alberta. The application was heard at a sittings of the Board in Saskatoon, Sask., on March 20, 1912, before Honourable J. P. Mabee, chief commissioner, and Commissioner S. J. McLean. The judgment of the Board was delivered by the Chief Commissioner in the following terms:—

The Chief Commissioner:

We have held repeatedly, and it was recognized by a statute passed two or three years ago, that where the law requires a railway company to obtain the authority of the Board, or the sanction of the Board, before the construction of a work, or locating a building, or a station of that kind, and it has not obtained that authority, and constructs the work, the Board has no jurisdiction to approve of it after it has been done. That was recognized. We held that over and over again, and parliament gave us authority to approve of work that had been constructed in contravention of the statute prior to the end of the year 1909. We approved of hundreds of works under that provision.

We have no authority to approve of works that have been built in contravention of the Act subsequent to the above date.

In accordance with this judgment an order was issued, No. 16251, dated April 2, 1912, refusing the application.

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FENCING OF A RAILWAY COMPANY'S RIGHT OF WAY.

The question of compelling a railway company to fence its right of way came before the Board in connection with the complaint of the municipality of Nutana, Sask., asking that the Canadian Northern Railway Company be compelled to fence its right of way through that municipality. The complaint was heard at sittings of the Board held in Saskatoon, Sask., on the 20th of March, 1912, before the Honourable J. P. Mabee, and Commissioner S. J. McLean. Judgment of this Board was delivered by the Chief Commissioner in the following terms:—

The Chief Commissioner:

Two or three years ago, upon the complaint of a large number of municipalities in Manitoba and Saskatchewan, and after hearings at a number of cities in those provinces, and after having received complaints innumerable from farmers and settlers whose cattle and horses and stock had been killed upon the railways, where the rights of way were unfenced, we made an order requiring the railway companies to fence the unfenced portions of their rights of way in these provinces on or before a fixed date. The railway companies, or some of them, appealed to the Supreme Court, and the Supreme Court held that we had exceeded our jurisdiction in making a general order of that character, and that we should have confined the order to some specific locality.

Now, we have a complaint here of a specific locality that is unfenced. We all know that this road has been built for many years; that it goes through a thickly settled, highly cultivated, and rich agricultural district; and that it is a section of country through which a railway should have been fenced long ago.

In this case, an order will go that the Canadian Northern Railway Company fence all of the unfenced portion of the right of way along the Qu'Appelle, Long Lake and Saskatchewan railway, between Saskatoon and Regina, on or before the first day of November, 1912; that these fences shall be of the character and description described in the Railway Act, namely, fences of the character that will turn cattle and other animals; and that, for every day's default, if any, after the first day of November, 1912, the company shall be assessed the sum of fifty dollars per day by way of a penalty.

In accordance with this judgment an order was issued on July 20, 1912, as follows:—

Upon the hearing of the application at the sittings of the Board held at Saskatoon, July 23, 1912, in the presence of counsel for the applicant and the railway company, and what was alleged—

It is ordered that the Canadian Northern Railway Company fence that portion of its right of way from Saskatoon to the northern limits of Rural Municipality No. 344, through township 37, range 5, west of the 3rd meridian; the work to be of the character and description required by the Railway Act, and to be completed on or before the first day of November, 1912; and for every day's default, if any, after the first day of November, 1912, the company to be liable to a penalty of fifty dollars (\$50) a day.

D'ARCY SCOTT,
Assistant Chief Commissioner.

LOCATION OF STATIONS.

The question of the location of stations and facilities came before the Board for consideration upon two separate applications, one by the Grand Trunk Pacific Railway Company and one by the Canadian Pacific Railway Company, involving the location of stations and facilities at Cutknife, Alberta, which were heard at two separate

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sittings of the Board, one at Saskatoon on March 20, and one at Winnipeg, March 25, 1912, before the Honourable J. P. Mabee, Chief Commissioner, and Commissioner S. J. McLean. The following is the judgment of the Board delivered by the Chief Commissioner:—

The Chief Commissioner:

These matters involve the location of stations and facilities at Cutknife, on the lines of the respective railways.

The controversy is brought about by reason of each railway company desiring to exploit a townsite of its own without regard to the future and permanent convenience of the public.

The Canadian Pacific Railway Company, on February 7, 1912, applied for leave to locate its Cutknife station on the south half of section 32, township 43, range 21. Prior to this date, it had sold lots in a forty-acres townsite at this point and, at the date of hearing, some seventy people were living upon this townsite, and a number of buildings had been erected, some of a substantial and valuable character. The railway has been built to this point, but no station has been erected.

In November, 1911, the Board received petitions signed by some eighty persons, reciting that the Grand Trunk Pacific Branch Lines Company had located its line of railway along the northerly boundary of section 28, township 43, range 21, and had purchased the northeast quarter of that section for a townsite, and had subdivided it into lots; that the Canadian Pacific Railway Company had announced that its townsite would be located on section 32, one mile from the Grand Trunk Pacific townsite; and that the establishment of the townsites and two stations, as aforesaid, over a mile apart, would be a matter of serious inconvenience to the residents and settlers, and would interfere with the growth and development of the town of Cutknife. The prayer was that the Canadian Pacific Railway Company should be ordered to locate its station on the northeast quarter of section 28.

On February 12, 1912, the Grand Trunk Pacific Branch Lines Company applied for approval of proposed station at Cutknife, on "section 33, township 43, range 21." In the letter from the solicitor for the Grand Trunk Pacific Branch Lines Company enclosing this application, it was stated that it had reference "to the petition of the residents of Cutknife *re* Canadian Pacific Railway and Grand Trunk Railway townsite," meaning, I presume, the petition above referred to; that petition referred to a station on section 28, and not section 33.

The council of the rural municipality of Cutknife, on February 24, passed a resolution in which it was recited that the Grand Trunk Pacific was asking for approval of its station on the "northeast quarter of section 28, township 43," just one and a quarter miles east of the Canadian Pacific Railway townsite. The request of the council was that the station buildings should be so located that passengers could readily transfer, and "contribute to the building of a united town."

The plans attached to the application of the Grand Trunk Pacific Branch Lines Company, and signed by the vice-president and chief engineer, show a subdivision on "section 33, township 43, range 21."

The matter came up for hearing at Saskatoon, and a number of residents upon the Canadian Pacific Railway townsite appeared and strongly urged that the application of the Canadian Pacific Railway Company should be granted, for the reason that these people had purchased lots, put up buildings, and started business of various kinds upon the representation that they should have station facilities. It seemed to be such a plain case for adjustment between the railway companies, that the matter was left over for a hearing at Winnipeg, in order that a conference might be had; and at the latter sittings the following letter from the land commissioner of the Grand Trunk Pacific Branch Lines Company, directed to the solicitor for the Transcontinental Townsite Company, was filed:—

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"Re N.E. 4, 28-43-21.—At the sittings of the Board of Railway Commissioners, at Saskatoon, on the 20th instant, you are hereby authorized, on behalf of the Grand Trunk Pacific Development Company, Limited, to make the following arrangement with the Canadian Pacific Railway Company, if the latter will consent to a joint townsite at Cutknife, to be situated on the above quarter-section, namely, to give to the Canadian Pacific Railway Company free right of way and station grounds across the above quarter-section; and, further, to give the Canadian Pacific Railway Company either one-third of the lots into which the above quarter-section will be subdivided, or a one-third interest in the net proceeds of the sale of lots in the said townsite."

This offer the representatives of the Canadian Pacific Railway Company refused, and stated they would not join in any townsite proposition.

It will be observed that this letter refers to a joint townsite on section 28, the same section referred to in the petition before mentioned, while the formal application of the Grand Trunk Pacific Branch Lines Company is for approval of station on section 33.

I certainly thought at the hearing the location claimed for the Grand Trunk Pacific Branch Lines Company was section 28, but the formal application seems to call for section 33; and if I read their plan attached to the application correctly, their proposed station and townsite is on the southeast quarter of section 33, township 43, range 21. From what was said at the hearing, and from the plans and documents filed, it is impossible to say where they desire to locate this station.

In a letter from the solicitor for the Grand Trunk Pacific Branch Lines Company on the file, dated December 27, 1911, he states that the company has its side-track on the northeast quarter of section 28. This, however, was some weeks before the application for station approval was filed. I do not know whether it is "28" or "33" that is wanted. The formal application asks for 33, and there has been no other written application filed. No order can intelligently be made upon this application of the Grand Trunk Pacific Branch Lines Company.

The principal objections advanced against the application of the Canadian Pacific Railway Company are contained in the petition above referred to, and in a letter from the solicitor for the Grand Trunk Pacific Branch Lines Company, dated February 7. The petition contains no facts that would justify the Board in withholding station facilities from those who have located upon the Canadian Pacific Railway townsite. The letter contains the following statement:—

"I am advised by our chief engineer that the Canadian Pacific Railway route map, showing the deviation from the original route in this vicinity, came up for hearing in the latter part of November; whereas, in the early part of November, the Canadian Pacific was advertising that steel would be laid to section 32, 43, 21, the location of their siding, to be in time to haul out this season's crops; and my best information is that steel was laid before route map was approved, not to mention location. In other words, the C.P.R., in their revision in the vicinity of Cutknife, built their line before it was approved by the Board."

I do not know how this is; no evidence was given as to when the line was built. The solicitor's information may or may not have been correct.

The position of matters, then, is that the Canadian Pacific Railway Company has its application regularly before the Board for approval of a station upon section 32 (south half). The necessity for early construction is evidenced by the appearance of landowners and business men, who support the application. Why should approval be withheld? I see no reason. An order may go as asked.

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The reprehensible practice of railway companies selling lots, and undertaking to build stations before approval of location is obtained, is sadly in evidence in this case. It is difficult to understand why this is done; nothing is gained by it, and it always lands someone in trouble.

I agree: S. J. McL.

OTTAWA, April 10th, 1912.

Pursuant to the judgment an order was issued on the 15th of April, 1912, as follows:—

Order No. 16322.

Upon hearing the application at the sittings of the Board held in Saskatoon and Winnipeg on the 20th and 25th days of March, 1912, respectively, the rural municipality of Cutknife, the Grand Trunk Pacific Company, the applicant company, certain property owners affected, and the residents of Cutknife being represented by counsel at the hearing, and what was alleged—

It is ordered that the location of the applicant company's station proposed to be erected at Cutknife, on the said south half of section 32, township 43, range 21, west of the third meridian, as shown in red on the plan filed with the Board under file No. 18630, be, and it is hereby approved: the said station to be erected in accordance with the applicant company's standard structural plan "A" filed with the Board.

J. P. MABEE,
Chief Commissioner.

MAXIMUM EXPRESS CHARGES FOR CREAM SHIPMENTS WEST OF PORT ARTHUR.

At a sitting held in Winnipeg, Man., March 25, 1912, before the hon. J. P. Mabee, Chief Commissioner, and Commissioner McLean, the Board took up the consideration of the special local tariff of the Dominion and Canadian Northern Express Companies, applicable on cream between points in the provinces of Saskatchewan, Alberta, Manitoba and Ontario, west of Port Arthur, for distances not exceeding 300 miles, made effective March 1, 1912, which were suspended by the Board on November 27, 1911. The creamery companies were represented at the hearing by Mr. Whitla, K.C., and the Manitoba Dairymen's Association by counsel, the express companies through their representatives, Messrs. Burr and Muir. The judgment of the Board was delivered by Commissioner McLean, as follows:—

Mr. Commissioner McLean:

The hearing of this matter, which was held in Winnipeg on March 25, 1912, was the outcome of a series of negotiations which took their origin in the Board's judgment in the Express investigation.

At the hearing in Winnipeg on September 15, 1911, in which complaint was made by the Manitoba Dairymen's Association against the express companies, on the ground that these companies had not made reduction in the tariff on sweet cream for buttermaking, as required by the Board's judgment in the Express case, it was stated by Mr. Burr, on behalf of the Dominion Express Company, that the express companies had been figuring out a new schedule of rates which they desired to submit to the Board. It was suggested by the Board that further negotiations should take place between the express companies and the parties interested, to see if an

agreement could be arrived at. Subsequent to this, negotiations were carried on between the express companies and the parties affected.

The question of the express tariffs on sweet cream, and on sour cream, in the territory west of and including Port Arthur, was dealt with in the Board's judgment in the express investigation. The disposition then made was that there should be a lower rate on cream to the creamery for buttermaking than upon that used for domestic purposes. It was stated by the Chief Commissioner:—

"It appears that there is considerable shipment of butter by express from these creameries. The cream is their raw material. The company gets some earnings from carriage of the finished product, and so it is perfectly in order to give a lower rate on cream to the creamery than upon that used for domestic purposes, so we think the intention of the company should be given effect to, and the business of the creameries be left undisturbed. The tariff to be filed may provide for the existing sour cream rate upon all cream when shipped to creameries for use in the manufacture of butter. The tariff to remain as it is upon cream for domestic purposes."

There is an obvious anomaly in charging different rates upon the same commodity moved under the same general conditions, the only reason for the difference being the final use. The Board, in an early decision on October 10, 1904, when the Grand Trunk Railway applied for a ruling as to whether it would be allowed to continue a difference in the rate of freight on bituminous coal of 10 cents per ton between certain points on its line of railway, such reduced rates being in favour of the manufacturer as compared with that charged the dealer or consumer, ruled that it could not properly entertain such an application. A similar position has been taken by the Interstate Commerce Commission, which has ruled that it is improper to so base a classification that it makes the rate dependent upon the use to which the article shipped is to be devoted.—*Jones Bros. Co. v. M. & W. R. R. Co.*, XXI., I.C.C., p. 579.

In its conference rulings it has laid down the position that:—

"The carrier has no right to attempt to dictate the uses to which commodities transported by it shall be put in order to enjoy a transportation rate."—*Rule 34, Conference Rulings, Bulletin No. 4.*

It has reaffirmed this position in its decision in the matter of restricted rates.—20 I.C.C., 426.

Its position is most succinctly put in the following words:—

"The rule is well established that a rate cannot be based upon the use to which the commodity is to be devoted; neither can a rate be confined by its terms or application to an individual or a class; it must be open to all shippers alike."—*Virginia Chemical Co. v. A. C. L. R. R. Co.*, 22 I.C.C., 397.

While it is true that the rate practice as to cream for buttermaking as distinct from cream for domestic use bore some features of analogy to the milling-in-transit privilege, it is apparent that the predominating consideration was that the practice was an established one. In the absence of further evidence, and in the lack of complaint in regard to the higher rates on cream for domestic purposes, it was not deemed expedient to disturb the existing arrangement which the express companies had initiated.

It was, however, recognized at the time of the hearing, that there would be a difficulty in differentiating between cream for buttermaking and cream for domestic purposes. It was then stated in evidence by Professor Mitchell, of the Manitoba Agricultural College, that "there would be a disposition on the part of some to ship cream presumably for buttermaking purposes, when in reality it would be used for

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other purposes." It was thought in the disposition under the judgment that the limitation of the buttermaking rate to cream "shipped to creameries for use in the manufacture of butter" would meet this difficulty. The existing difficulty in this regard was set out by Mr. Burr for the express companies, when he stated in the present hearing that they were:—

"Willing to allow the present tariffs on both classes to remain in effect if we can have some protection in the matter; if we can know what is one and what is the other. You will recollect, sir, that in a conference we had in Ottawa on the same subject many months ago this question was discussed, and we ask that the shippers or the consignees pay us the charges on the higher rate, and when they proved to us satisfactorily that a part of the consignment was on the lower rate class, we would make a refund. You asked us to confer with the Winnipeg people on the point. They refused absolutely to have anything to do with that."

In the hearing in Winnipeg in September, 1911, already referred to, the same matter came up incidentally in evidence, and it was stated by counsel for the applicants that the matter might be arranged by allowing the cream to be billed in on the buttermaking rate, and that thereafter the consignees could pay the express company the difference in rate on the portion of the consignments which might be used for domestic purposes.

The more carefully one examines the situation, the greater appear to be the difficulties of carrying out a dual system of tariffs based simply upon differences in the use of the commodity. One cardinal intention of the Railway Act is that there should be adequate publicity for clearly-defined rates to be paid for services rendered. It is readily apparent that the dual system offers an inducement to an unscrupulous shipper to bill his cream on the buttermaking rate when in reality it is to be used for domestic purposes. While no such evasion of the intention of the tariff may have taken place it is manifestly counter to the obvious intent and policy of the Railway Act to leave not simply a loop-hole but a wide-open door available for such evasion. Such an arrangement sets a premium on perjury. It may happen also that there is an innocent evasion of the requirements of the tariff. Cream may be shipped in for buttermaking purposes. There may be some small surplus of sweet cream which is not used for this purpose and is sold for domestic uses. It would put a great burden upon the creamery company to keep exact tab on such small sales. It is also apparent that such a small sale might be made by an innocent employee of the company, and without any guilty knowledge of the management of the company.

The arrangement suggested by the company, namely, that all cream should be billed in on the higher rate, a refund being made on the portion which was used for buttermaking, is contrary to the policy of the Railway Act. It requires no elaboration to appreciate that this would leave a way open for rebating arrangements. On the other hand, the suggestion already referred to that all the cream should be shipped in on the lower rate, arrangements being made whereby a subsequent additional payment should be made for the portion of the cream used for domestic purposes, is equally open to objection as contrary to the policy of the Railway Act in regard to rebates.

The tariff which was suspended on October 27, 1911, provided for a uniform rate on cream irrespective of its use. Mr. Burr, on behalf of the express companies concerned, stated, both in a communication to the Board which is on file, as well as in his evidence in the present case, that the computations in regard to rates under the tariff in question were that 20 per cent of the movement by express was for domestic use, and that 80 per cent was for buttermaking. The following table sets out a com-

parison of the existing rates on sour cream, the rates on sweet cream, and the new rate proposed in the tariff to apply on all cream irrespective of use:—

CREAM RATES in Alberta, Saskatchewan, Manitoba and Ontario (West of Port Arthur).

Miles.	Rates on Sour Cream.			Rates on Sweet Cream.			New Rates applying on both kinds.		
	5	8	10	5	8	10	5	8	10
25.....	14	19	24	35	38	48	20	25	30
50.....	16	20	25	36	58	72	25	30	35
75.....	20	25	30	48	77	93	30	35	40
100.....	26	31	36	60	96	120	35	45	50
150.....	38	43	48	72	115	144	45	55	60
200.....	50	55	60	84	134	168	55	65	70
250.....	62	67	72	90	144	180	65	75	80
300.....	74	79	84	96	154	192	75	85	90

Mr. Carruthers, of the Crescent Creamery, stated that about 4 per cent of the cream received by him was for domestic purposes, and about 13 per cent was used in the manufacture of ice cream; the balance being used in the manufacture of butter. He stated further that during the year 1911 he had manufactured about 600,000 pounds of butter. He contended that on account of the large amount of cream used in buttermaking, any decreases in the rate on cream for domestic purposes would be more than neutralized by the increase in the rate on cream for buttermaking purposes, and he submitted a computation that at present the express charges on the total cream used in Manitoba would mean \$42,000, while under the proposed tariff it would mean \$66,000, or an increase of \$24,000.

It was contended by various witnesses that the conditions in regard to cream shipments by express in the northwestern provinces were entirely different from those existing in the province of Ontario. The essential point of difference referred to was the use of centralizing in connection with buttermaking. Mr. Carruthers testified that he had been engaged in the creamery business in Ontario and eastern Canada, and that he was more or less familiar with the conditions in eastern Ontario. The difference as between Manitoba and Eastern Canada, he testified, was as follows:—

“Well, the difference is this: In Eastern Canada the population which is engaged in dairy farming is much more than it is here, and at every cross-road, three or four miles apart, there is a cheese factory or butter factory where the farmer delivers his goods to be manufactured, while in Manitoba everything has to be handled by the railroads to bring it to one common point, as there is no part of Manitoba that has population enough to support any local factory, either cheese or butter.”

The same witness further testified:—

“I should judge that any shipments of cream in Ontario would be used for domestic use in large cities such as Toronto, Montreal and such points.”

He further testified he did not know of any factory operating in either Ontario or Quebec on the same system as his company. Professor Mitchell, in his evidence, corroborated the evidence of Mr. Carruthers, stating that the cream in Ontario for butter-making purposes is practically all handled in an entirely different way from that in which it is handled in Manitoba, and that it is not shipped by express to any extent.

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In such a comprehensive investigation as was carried on in the general investigation of the express rates, it necessarily follows that the general principles laid down do not exhaust the scope of regulative power. The Board was concerned with the investigation of the rates and practices of companies which had been a very much shorter time subject to the regulative jurisdiction of Parliament than had the railway companies. The scope of such a general investigation was, therefore, of necessity concerned with the blocking out of general reforms. The work of regulation in regard to express rates, instead of having been completed by the express judgment was simply begun by it. It will of necessity follow that in many cases complaints in regard to rates and practices will have to be dealt with from time to time. Some of these complaints may arise from conditions which were not developed at the time of the general investigation. Others may develop from conditions which were imperfectly set before us. At any rate, it is apparent that some time must elapse before a complete body of regulative experience in regard to express rates in Canada is developed, and this will be developed when dealing from time to time with complaints, both general and special, as they arise. This was affirmatively recognized in the Express judgment itself which, in dealing with the matter of rate complaints from various points in the west said: "But these are not dealt with, as it is considered that the better course to pursue is to await a general revision and re-alignment that must follow these findings, when, if a more satisfactory situation is not brought about, complaints that have not been dealt with categorically, or solved in the general result, will be further considered."

The express companies, since the issuance of the judgment in the Express investigation, have been realigning and rearranging their rates. The experience of the Board in connection with this shows that further work is to be done and this will be dealt with.

In the evidence and statements submitted, reference was made to conditions existing in the adjacent northwestern States, and it was contended by counsel for the applicants that the decisions as to express rates in these adjoining States gave the measure of what should be reasonable in the present case. It was stated in general terms by Mr. Carruthers, and by Professor Mitchell, that the conditions in these adjoining States of the American Union were practically identical with those existing in the Canadian Northwest. It was stated on the other hand by Mr. Burr that the conditions were dissimilar. But the situation is that the Board is left simply with two sets of assertions, neither of which is backed up by any evidence to substantiate the similarity or dissimilarity alleged. The Board has already held that where the traffic compared moves over two different routes, this precludes the mere reference to difference in mileage rates being taken as *prima facie* evidence of discriminatory treatment, and that this held with especial force where comparisons are made with the rates of railways which are not subject to the Board's jurisdiction. *Canadian Oil Companies v. Grand Trunk, Canadian Pacific and Canadian Northern Railway Companies*, 12 Can. Ry. Cases, 355.

The same line of reasoning covers the allegation of similarity of circumstances; a *prima facie* case as a similarity of circumstances must be made; but this is not done by mere allegations.

This Board has always appreciated the value of the regulative work done by the Interstate Commerce Commission, and its findings have always been held in esteem. But the Board, in holding that the decisions of that Commission are applicable in their entirety here only in cases where circumstances in Canada are on all fours with the circumstances upon which the aforesaid decisions depended, has recognized the burden placed upon it by Parliament of investigating the special circumstances of the cases coming before it. The Interstate Commerce Commission itself, in dealing with the situations arising from the regulation of rates by state railway commissions, has said that while upon general principles of comity the action of a state commis-

sion in fixing rates on state traffic must be treated with all due respect, at the same time the Interstate Commission has never felt itself bound to accept a state-made rate as the necessary measure of an interstate rate. That is to say, it must examine the circumstances for itself.—*E. E. Saunders & Company v. Southern Express Co.*, 18, I.C.C., 415.

Sufficient justification has been advanced for doing away with the anomalous situation of two tariffs dealing with the same commodity; the difference in rate being dependent upon the difference in use. The Board has always recognized the advantage of having a uniform tariff on cream, irrespective of its use in the section east of Port Arthur. The Board, by its order No. 13381, of March 21, 1911, dealing with the situation east of Port Arthur, fixed certain express rates on cream for buttermaking, and a tariff of higher rates on cream for purposes other than buttermaking. It was found in practical operation that this arrangement was unsatisfactory, and accordingly order No. 14594, of August 21, 1911, was issued, fixing uniform rates for cream irrespective of the use to which the commodity was applied. Such an arrangement having been made east of Port Arthur the question faces the Board, are the conditions sufficiently dissimilar west of Port Arthur to warrant a different treatment? As I construe the Railway Act, the Board must find its criteria of the reasonableness of Canadian rates within Canada. I further apprehend that while it is the policy of the Railway Act to foster elasticity of rate making in so far as it is compatible with public policy, and that to this end the railways are permitted to vary rates with circumstances and conditions subject to the onus of disproof if these rates are shown to be *prime facie* discriminatory, there is not the same broad discretion vested in the Board. In other words, the Board, being concerned with the correction not primarily with the initiation of rates, must carefully consider in regulating rates in one section of Canada what it has done in another section of Canada. The railway, and what is here said covers the express company as well, having its finger on the pulse of trade may quickly vary rates to meet changing needs. The Board has not, and was not intended by Parliament to have, this direct relationship, since its powers are invoked only where grievances arise. It is concerned with corrective not with experimental rates.

As has been noted, it was contended in the course of the hearing in the present case, that the conditions in regard to centralization differentiate the situation west of Port Arthur from the situation east thereof. The Board has, however, found on investigation, that the centralizing system is gradually increasing in Ontario, with which special comparisons were made in the course of the hearing. It is advised by the Dairymen's Association of Western Ontario that the amount of cream shipped by express for buttermaking purposes is at least as great as that shipped for domestic purposes. The T. Eaton Company, which has the largest centralizing plant in western Ontario, manufactured in 1911, 841,000 pounds of butter. This company advises the Board that the relative percentages of cream shipped into their factory by express for buttermaking are, as compared with the shipments for domestic purposes, 93½ per cent and 63 per cent. Statements from other plants show that the percentage shipments of cream by express for buttermaking purposes are steadily increasing. On due consideration of the whole matter, it appears justifiable to take what has been done by the Board in the section east of Port Arthur as a measure of what it should do in the section west of Port Arthur.

The tariff covered by the Board's order No. 14594, above referred to, covers distances up to 200 miles. As the situation in the present case requires a longer mileage, the rates may be stepped to 300 miles on the same basis as set out in the order, and indicated in the following table. The following tabular summary sets out a comparison of the western sour-cream rate, the western sweet-cream rate, the eastern uniform scale and the uniform scale proposed by the express companies:—

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Miles.	Western Sour Cream.			Western Sweet Cream.			Eastern Uniform Scale.			Proposed Uniform Scale.		
	5	8	10	5	8	10	5	8	10	5	8	10
25.....	14	19	24	35	38	48	15	20	25	20	25	30
50.....	16	20	25	36	58	72	18	26	31	25	30	35
75.....	20	25	30	48	77	96	22	31	36	30	35	40
100.....	26	31	36	60	96	120	26	36	41	35	45	50
150.....	38	43	48	72	115	144	34	46	51	45	55	60
200.....	50	55	60	84	134	168	42	56	61	55	65	70
250.....	62	67	72	90	144	180	50	66	71	65	75	80
300.....	74	79	84	96	154	192	58	76	81	75	85	90

I am therefore of opinion that the express companies should instal, within thirty days from date of the Order making this judgment effective, a tariff west of Port Arthur which will put into force the same provisions as are contained in the Board's order No. 14594 subject to the rates for 250 and 300 miles being stepped as indicated. Further additional mileage, where necessary, should be covered by the tariffs on the same scale.

OTTAWA, July 23, 1912.

Subsequently the following order was issued on September 4, 1912:—

Order No. 17384.

Upon consideration of the tariffs filed on behalf of the express companies, and the hearing of counsel for the said companies, the hearing of shippers of cream and dealers therein, the reading of the exhibits filed, and the weighing of the evidence given and the arguments advanced as to the rates which the express companies should be authorized to charge for the shipping of cream and the services connected therewith—it is ordered as follows:—

1. The maximum express charges for the shipment of cream and the services connected therewith shall be as set forth in the following tariff:—

“D”—EXPRESS COMPANIES SUBJECT TO THE JURISDICTION OF THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

Special Tariff on Cream in Cans with or without jackets, plainly and distinctly stencilled and tagged (not in tubs).

Applying between all points west of Port Arthur, Ontario; also between the said city and points west thereof.

Covered by Express Classification for Canada, No. 2 (C.R.C. No. 2), supplements thereto, and reissues thereof, except as specified herein.

Miles.	5 gallon cans.	8 gallon cans.	10 gallon cans.
	Each.	Each.	Each.
25.....	20 cents.	25 cents.	30 cents.
50.....	23 "	31 "	36 "
75.....	27 "	36 "	41 "
100.....	31 "	41 "	46 "
150.....	39 "	51 "	56 "
200.....	47 "	61 "	66 "
250.....	55 "	71 "	76 "
300.....	63 "	81 "	86 "

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(a) The above charges include the delivery of filled cans and the collection of empties for the dealer at all points where the express company furnishes a collection and delivery service for other goods.

(b) In the case of shipments by a dealer, if filled cans are collected by an express company and shipped to a place where the said company does not furnish a collection and delivery service for any kind of goods, the above charges shall apply.

(c) In places where a collection and delivery service is not furnished by the express company, the charges—except as in subsection (b) shall be 5 cents per can less than the above rates.

(d) There will not be any reduction on smaller or partially filled cans.

(e) Two five-gallon cans will not be charged at the rate for a ten-gallon can.

(f) Returned empty cans which when filled were carried under this tariff, will be charged at the rate of 5 cents each for return carriage on the railway.

2. The terms and conditions set forth above shall be the only terms and conditions imposed or exacted by any express company in or in connection with the shipping of cream, excepting conditions as to the making out of way-bills and the loading of cans at flag stations.

3. Every express company shipping cream—

(a) Shall see that its messengers and other employees handle the cans with due care.

(b) Shall deliver the cream (as a perishable commodity) with the least possible delay, especially in hot or very cold weather.

(c) Shall arrange so that cans containing cream shall not be exposed to the sun or severe frost between the time of unloading from the car and delivery to, or removal by, the consignee.

4. The provisions of this order shall become effective on the fifteenth day of October, 1912.

D'ARCY SCOTT,
Assistant Chief Commissioner.

This order was amended by order No. 17492, dated September 16, 1912, as follows:—

Order No. 17492.

Upon its appearing that it was not the intention to interfere with the British Columbia Cream Tariff, and upon reading the report of the traffic officer of the Board—

It is ordered that the said order No. 17384, dated September 4, 1912, be, and it is hereby amended to make the order apply between all points west of and including Port Arthur, within the provinces of Ontario, Manitoba, Saskatchewan and Alberta, instead of between all points west of Port Arthur, as provided by the said order.

H. L. DRAYTON,
Chief Commissioner.

EXCESS BAGGAGE.

The Grand Trunk Pacific, Canadian Northern, Ottawa and New York and the Wabash Railway Companies having published and filed a new regulation relating to "Baggage of excess size" to take effect July 1, 1912, the Board suspended the operation of the regulation until the parties affected could be heard. Subsequently the matter came before the Board for consideration at a sittings held in Toronto on

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April 30, 1912, in the presence of counsel for the interested parties, but was not finally disposed of until a sittings of the Board held in Ottawa on May 31, 1912, when the Board, after giving the matter full consideration, decided to issue the following order:—

Order No. 16710.

Upon the hearing of the matter at the sittings of the Board held in Ottawa, May 21, 1912, the Canadian Manufacturers' Association, the Montreal Board of Trade, the Commercial Travellers' Association of Canada, the Grand Trunk Pacific, Canadian Northern, and Canadian Pacific Railway Companies being represented at the hearing, and what was alleged; and upon the consent of the parties so represented, the railway companies undertaking to amend the rule in their respective tariffs—

It is ordered that the revised rule, submitted at the hearing, relating to "Baggage of excess size," as follows:—

"Commencing July 1, 1912, for any piece of baggage of any class (except immigrant baggage checked at port of landing, and whips in canvas or leather cases), the greatest dimensions of which exceeds forty-five inches, there will be an additional charge for each additional inch equal to the charge for five pounds of excess baggage,"

be, and is hereby approved.

D'ARCY SCOTT,

Assistant Chief Commissioner.

APPLICATION OF THE CITY OF MONTREAL *RE* BELL TELEPHONE COMPANY RATES.

Application was made by the city of Montreal, P.Q., to the Board for an order requiring the Bell Telephone Company to reduce its rates on telephones in the city of Montreal, as set out in the application. Also, to compel the telephone company to abolish its extra mileage rates and to operate its pay stations in the manner detailed in the application. Connected with this application there were also a number of individual complaints brought by residents of the city of Montreal against the company in regard to its service and charges. After several hearings the matter of the application was finally disposed of at a sittings of the Board held in Montreal on the 11th of June, 1912, and the judgment of the Board was delivered under date of October 28, 1912, by Commissioner McLean, as follows:—

Mr. Commissioner McLean:

These complaints were heard at the sittings of the Board in the city of Montreal, June 11 to June 15, 1912. The application of the city of Montreal may be summarized as follows:—

- (1) That the Bell Telephone Company should furnish service at \$30 and \$50 for resident and business telephones respectively per annum, instead of at \$35 and \$55.
- (2) That such revised rates should apply throughout the city, thus including Ahuntsic, Bordeaux, St. Laurent and Longue Pointe ward.
- (3) That excess mileage charges should be abolished.

In the complaint as launched by the city, one portion was to the effect that the company should operate its pay stations in such manner as would insure no payment being collected from the person using any of the aforesaid pay stations in the

event of it not being possible to effect a conversation with the person called. Mr. Butler, the city's attorney, said, in the course of the hearing regarding this matter:—

“We are advised by our engineers that that is a question that we should not in all fairness raise. Of course the city has made the complaint. I state that to the Board to make the statement of record. I do not want to say on the part of the city I waive it, simply my engineers advise me that that is a thing I should not raise at all.”

In the absence of any evidence that there is any substantial grievance which it is within the competence of the Board to rectify, this phase of the complaint may be dismissed.

The complaints of Messrs. Thompson, Sharpe and Birchenough do not require separate consideration, as they are simply particular cases covered by the general subject-matter of the complaint of the city of Montreal. The complaint of the Publishers Press, Limited, had been standing on the list for some time, and no appearance having been made by the parties applicant at the June sittings of the Board in Montreal, the complaint was dismissed.

As further defining the city's position, Mr. Butler said that—

“while the city made no application that affected the rates of party line service, where such service was supplied, the city desired that the charge for such service should not include a charge for excess mileage.”

The application on behalf of the Bell Telephone Company was developed separately at the same hearing. But the Bell application being in effect one in avoidance of the application made by the city, it necessarily follows that the two applications were closely interrelated. For the purposes of the hearing they were practically complimentary phases of one hearing. And thus while the development of the city's application was prior in point of time it makes for clearness to first consider the application of the Bell Telephone Company.

The city of Montreal has an approximate area of 40 square miles, or 25,147 acres. The configuration of the site on which Montreal is located, has, owing to the location of Mount Royal, forced an east and west development. In more recent years there has been an expansion back of the mountain which, with new transportation conditions, will undoubtedly develop rapidly. But up to the present time the location of the mountain has played an important part in the direction of the expansion of the city's territorial area. At the same time there has been a rapid expansion of the territory included within the city limits. In the year 1910 the city added 46 per cent to its area. The additions are as follows:—

Longue Pointe, Beaurivage and Tetreaultville.. . . .	4,551.2 acres
Rosemont.. . . .	1,431.5 “
Ville St. Louis.. . . .	720 “
Paroisse St. Laurent.. . . .	877.3 “
Ahuntsic.. . . .	726.3 “
Bordeaux.. . . .	868.28 “
Cote-des-Neiges (a portion of).. . . .	1,402.17 “
Ville St. Paul.. . . .	363 “
Ville Emard.. . . .	951 “
Notre Dame de Graces.. . . .	25.36 “

From the city hall it is about eight miles to Bordeaux, on the Rivière-des-Prairies, or Back River, on the north; seven and three-quarter miles to the extreme east of Longue Pointe, and six and one-quarter miles to the extreme west of Notre-Dame-de-Grâces. Completely surrounded by the city's territory are separate municipalities: on the west, Westmount, on the north, Outremont, and on the east, Maisonneuve and St. Jean de Dieu.

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There are within the Montreal Exchange territory the following exchanges: St. Louis, Westmount, Main, East, Lasalle and Uptown. There were during 1911, 33,344 subscribers and 35,407 telephone users' stations. The telephone instruments used in Montreal in 1911 were 23 per cent of the total number used by the Bell system during that year.

The rapid expansion of the city's territory has undoubtedly given the company a difficult task in keeping pace with the city's expanding needs. Notwithstanding the searching criticism of the city's experts, there was no criticism of the equipment of the company. In fact, Mr. Kelsey stated that the equipment was in a thoroughly satisfactory shape.

The telephone situation in Montreal is complicated by the existence of a dual set of telephone rates. The situation as summarized in the evidence of Mr. Sise is that, somewhere about 1880 or 1881—the company started business in Montreal in 1879—there was put in a business rate of \$50 and a residence rate of \$30. These rates, which are known as the Blake rates, still exist. At the time of their installation the company had, at the most, one thousand subscribers in Montreal. At that time there was a ground rod, or ground connection made at every instrument so that the completion of the circuit was made through the earth. Subsequently, with the advance of telephonic art and the disturbance caused by the erection of wires for the users of electricity here, as elsewhere, the needs of an efficient service rendered it necessary to adopt the central energy system. About this time the so-called solid back, or long distance transmitter was first introduced, and the company established rates of \$70 and \$50 for these instruments on a central energy system, which required two wires for the circuit, as against \$50 and \$30 for the single wire service. Mr. Sise's evidence summarized the situation as follows:—

“COMMISSIONER GOODEVE.—Did you raise them at any time?—A. No, I say the \$70 rate as against the \$50 rate was established in that way at that time, so that the difference in rate between what is commonly called now the Blake, and the long distance rate, originated in the difference between grounded and metallic line service. That is, one had two wires and the other had one wire. Now the effect of that was this: the difference in rate was so great that very few people took it. Naturally, we found that the \$70 rate was practically inoperative. That is, a very small percentage of the people were willing to pay such a large difference in the rate. At the same time, in order to render efficient service—in order to give any service at all, I might say—the company was obliged to make everybody's line metallic, so that we had to give two wires to every subscriber and we had not the power to raise their rates. On the 9th of July, 1893, the company's charter was amended, prohibiting it from increasing any of its rates to subscribers without the consent of the Governor in Council, so that our legal advisers told us that we had the right to charge the higher rate for long distance service, the long distance instrument after supplying the metallic lines, but we could not oblige those having Blake-instruments to give them up, and it was a hopeless proposition to go to them and tell them that we had to raise their rate because we felt it necessary to improve the service and give them another wire and make the line metallic. The result of that was that for a great many years we had rates of \$70 and \$50 for business, and \$50 and \$30 for residence for these two classes of service. When I joined the company in 1898, or very soon after that, the difference was reduced to a difference of \$10 instead of a difference of \$20. Even that had not the desired effect, and it was finally reduced to a difference of \$5, where it is to-day. That is the difference between the old and the new rate; the old metallic line rate for long distance equipment is only \$5. That is how this condition came about.

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"COMMISSIONER MCLEAN.—It is now a difference based on difference of equipment, that is the apparent difference?—A. The apparent, yes, exactly. Q. The apparent reason for the difference between the two?—A. Yes. I have made that explanation somewhat lengthily because I want you to know that we don't pretend that there is any justification for charging anything more for a long distance transmitter than there is for a Blake transmitter. I think the average telephone expert would come here and if we talked about the Blake transmitter they would say they had never seen one except in a museum. They have not been made to my knowledge for perhaps twelve years or more. We had a great number of them, owing to this condition, but had we been free to regulate our rates they would have been removed long ago. Now the result of a reduction from \$70 to \$60, and ultimately to \$55, in the business rate for long distance equipment has enabled us to get rid of nearly all the Blake transmitters, through active canvassing. Instructions were issued that no one should be compelled to take the long distance transmitter, but we actively canvassed all our subscribers and the difference was so small that we succeeded at January 1, in reducing the number.

"Mr. MACFARLANE.—January 1, of the present year?—A. January 1, 1912, this record year; the total number of Blake transmitters is only 615 out of a total of 35,407 instruments."

The company, in making its application for a \$5 increase in rates or, in other words, for the authority to eliminate the Blake rates, has submitted an estimate as to the cost of replacing its plant in Montreal. The method whereby the inventory of the physical plant was worked out was explained in full detail by Mr. Winter. While the Board has not the advantage of the city's criticism of the method used, it was apparent that the matter had been gone about in a very systematic manner, and in all probability the computation is as exact as any such computation, extending over such an area, can be. More controversial ground is entered upon when the methods whereby the valuation based on this inventory was arrived at are considered. These methods, as explained by Mr. Winter and Mr. Bloom, show that a system of unit costs was worked out. Here again the Board has not the advantage of the city's criticism of the general method pursued. Mr. Kelsey criticized the cost of a couple of items with the details of which he felt himself sufficiently acquainted at the time to obviate the necessity of more detailed study. But the city's criticism of the details of the replacement cost was merely incidental, since it stated that the proper basis for the computations that would show the reasonableness or otherwise of the rates, was to be found in the book value of the plant. Owing to the diametrically opposed positions of the parties, little light was thrown on this phase of the problem, notwithstanding the long examination of witnesses.

It is not, however, necessary to go into any detailed analysis of the computations submitted by the company. The Bell Telephone Company of Canada is in an admittedly satisfactory position financially. Under such conditions, to justify the consideration of an increase of rates in the Montreal Exchange territory, it is first necessary to show that the exchanges operating in this territory do not contribute their proper proportion to the general revenue of the company. For the year 1911 the gross returns for Montreal are given in statement C filed by the company as \$1,413,824.39, while the net are given as \$291,585.39, showing an operating ratio of approximately 80 per cent. While, of course, the relevancy of the comparison of percentages varies with the bases on which the comparisons are made, it may be noted that for the same year the Bell Telephone Company of Canada showed an operating ratio of 78 per cent. It is also true that the net revenue of the Montreal Exchanges is, as set out above, only 20 per cent of the net revenue of the Bell Telephone Company of Canada for 1911; while, as has been seen, Montreal has 23 per cent of the tele-

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phone instruments of the whole company, and should presumably have at least the same percentage of earning power. But it must be remembered that the statement of net earnings for Montreal is made up of an exact figure, viz., the local revenues and a conjectural figure as to the long distance revenue, viz., 35 per cent of the long distance tolls, originating at the Montreal Exchange. While it is recognized that there are difficulties in the way of dividing up the revenue on a long distance message among the different portions of the system over which the message moves, it is at the same time admitted that 35 per cent is an arbitrary figure. Mr. Bloom stated in evidence that the Maryland Commission had used 20 per cent in the Baltimore case. On the recommendation of the officials in Montreal he had added 15 per cent as a factor of safety. He expressly admitted, however, that there was no scientific basis for his estimate. While Montreal only gets, under this estimate, 35 per cent of the long distance tolls originating at Montreal, the cost of the long distance operating at Montreal is charged against local revenues. It is apparent that an estimate so constituted, part of which floats in an atmosphere of hazy uncertainty, cannot be of much service as showing whether Montreal is or is not giving its proper proportion to the general revenues of the Bell Telephone Company.

Valuable as the cost of replacement may be under certain conditions as a basis of rate regulation, a primary obligation rests upon the Montreal Exchange territory to show that the parent company does not receive a proper amount from it, and that the prosperity of the parent company is due to the larger returns from other exchanges or from other investments to which the Montreal Exchange has made no adequate contribution. It would also be necessary to show that the Montreal Exchange territory has been unable to make a satisfactory contribution to the various reserves of the parent company, which amounted at the end of 1911 to \$8,469,498.02.

THE CITY'S POSITION IN REGARD TO BOOK VALUES.

As has been indicated, the city bases its case on the book value of the plant. The city's statement, as presented by Mr. Kelsey, estimates that the company in Montreal is earning 11 per cent on the book value. He presents the following statement—the first statement as to book value being from the company's return to the city:—

Book value.. . . .	\$ 4,480,919
Less 20 per cent idle plant.. . . .	896,183
	<hr/>
Book value of used plant.. . . .	\$ 3,584,736
Add interest.. . . .	107,542
	<hr/>
Total plant chargeable to present subscribers.. . . .	\$ 3,692,278

The method whereby he figures out a profit of 11 per cent on the book value is set out in the following tabular summary, which shows the differences between his estimates and the company's items:—

RECEIPTS.		
	Company.	Kelsey.
Exchange revenue.. . . .	\$ 1,336,779 79	\$ 1,336,779 79
Long distance.. . . .	71,318 98	236,643 09
Leased lines.. . . .	3,206 00	3,206 00
Miscellaneous.. . . .	2,519 62	2,519 62
	<hr/>	<hr/>
	\$ 1,413,824 39	\$ 1,579,148 50

EXPENSES.		
	Company.	Kelsey.
General expense.. . . .	\$ 38,133	\$ 38,133
Commercial expense.. . . .	145,073	145,073
Traffic.. . . .	357,066	357,066
Conduit rental.. . . .	86	86
Insurance.. . . .	13,492	13,492
Repairs.. . . .	183,140	183,140
Station removal, and changes.. . . .	27,910	27,910
Depreciation.. . . .	325,556	133,344
Taxes.. . . .	31,783	31,783
	<u>\$ 1,122,239</u>	<u>\$ 930,027</u>

Further summarizing Mr. Kelsey's figures, the following result is obtained:—

Total plant chargeable to present subscribers.. . . .		\$ 3,692,278
Total earnings.. . . .	\$ 1,579,148 50	
Total expenses.. . . .	<u>930,027 00</u>	
	\$ 649,121 50	
Deduction (assumed deduction from abolition of excess mileage)..	<u>118,030 00</u>	
Readjusted net earnings.. . . .	\$ 531,091 50	
Add long distance investment, 23.5 per cent.. . . .		\$ 989,095
		<u>\$ 4,681,373</u>
Percentage of profit 11 per cent.		

The result arrived at by Mr. Kelsey depends on four sets of factors: (1) the deduction of idle plant, (2) the allowance of interest in idle plant during a portion of the time that it is unused, (3) a difference in the method of computation of long distance revenue, (4) a difference in the method of estimating depreciation. These demand further analysis.

Idle Plants.—A summary of Mr. Kelsey's position, as set out in the city's statement, and in his evidence will make clear his position. He states that:—

"The Montreal plant is primarily designed for 50,000 subscriber telephone stations, or more. At present 35,603 stations constitute the active proportion of the property. It would be manifestly unfair to charge the investment chargeable to the future 14,397 or more subscriber stations to the present 35,603."

He quotes President Vail as stating in the 1910 report of the American Telephone and Telegraph Company that:—

"It is sometimes advantageous to anticipate growth and it is often but only done when the saving on construction costs and other advantages more than balance the cost of carrying idle equipment. In other words, not to provide for advance construction doubles the cost of the plant."

He then states in his summary that "the average amount of the total property for a telephone company in present use, usually averages 80 per cent." And he continues:—

"Notwithstanding Mr. Vail's apparently generous position in the matter, we feel that since the 20 per cent excess property can be used up in four years, the company should only be allowed to add to the total plant value the legal rate of interest on the value of this idle plant for the average time of two years, instead of adding the total value of the idle plant itself."

That is to say, the net value of the plant in which rates should be computed should be based on the plant value minus the value of the idle plant, plus two years' interest on this idle plant. This 20 per cent covers not only future growth, but also other factors, such as removals, changes and spares necessary to take care of accidents.

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There is no question that preparation for future needs is one of the incidents of the proper management of a public utility corporation. If it is to allow demands for service to pile up and then make an expansion only after the urgency is sufficiently great, the public will be subjected to the disadvantage of delay in obtaining service, and at the same time the piecemeal method of construction this will necessitate will undoubtedly add to the cost of the plant. A comprehensive system of preparation for future needs must be followed if there is to be proper expansion. Undoubtedly this will normally lessen the cost of construction to the company. It is also of advantage to the public using telephone service because it gives a decreased basis on which earnings are to be obtained. Telephone rates must, within certain areas at least, be average rates. A common rate covers in a certain class, not only a large user of service, but also a smaller user of service, and if the company can expand the area of its services while at the same time economizing in its capital costs it is to the interest, in the long run, of the telephone user.

It is stated that this idle plant is used up in four years and that telephone users should be debited at any particular moment with only two years' cost of this idle plant. But this is conjecture. The so-called idle plant may be used up in much less time and so but little assistance in arriving at a decision is rendered by this computation.

Again, even admitting that for some considerable period of time there is plant not actively in use, it does not necessarily follow that it is fair to deduct this from the plant value. A railway may add largely to its box car equipment in order to handle grain. The grain may be rushed forward and then a considerable portion of this equipment may be idle during the balance of the year. Again a large addition may be made to such equipment in expectation of large harvests and then through untoward natural conditions there may be short harvests, and consequent surplus of rolling stock. Should the railway receive no credit for this surplus, or should the credit be worked out simply as an average? As a matter of fact, in railway transportation, and also in telephone service readiness to serve is an important factor, and this readiness to serve is afforded in greater degree to the user of the telephone system when adequate preparation is made for future expansion. It may be urged that this readiness to serve is a readiness to serve prospective not present users, and that the cost of it should be therefore not charged against present users. But the prospective user is constantly becoming a present user. Further, one should not think of the situation as being simply concerned with the new subscriber who has a telephone installed. There is also the advantage to the one who already has a telephone installed and the value of whose facility is increased by the additional new subscriber with whom he may now communicate. The value of the service is a most important factor. With every addition to the telephone network the range of the facility is widened for the one already using the telephone, and consequently, he is constantly sharing in the progressive utilization of the so-called idle plant—plant which, if properly handled, is simply a proper provision for legitimate expansion.

Again, the provision for 6 per cent interest on the idle plant, be it for two years—or for a longer or for a shorter period—does not afford any proper index of what should be added. For if it is proper at the present moment to allow interest at 6 per cent for two years on the idle plant, then it was proper to make a similar allowance in 1910, in 1909, and so on back through all the years that provision has been made for future demands. This would mean a considerable addition to the plant value of the company. This addition is not before us. If it were it does not seem to me to be justifiable to increase by such a conjectural computation the value on which rates might be computed if book values are taken. If this were allowed it would happen that there would have to be added to the book value, and to the rates based thereon, allowance for a constantly expanding body of interest on the so-called idle plant of the past although this had long since been converted into plant in present use.

Long Distance Revenue.—As has been seen, the company has attributed to Montreal 35 per cent of the revenue from the long distance tolls there originating.

This, as has been pointed out, is a pure matter of conjecture. On the other hand, Mr. Kelsey stated that as he had found from *The Telephone Gazette* that during a given period Montreal originated and terminated 14½ per cent of the long distance business of the company, he considered it should, therefore, be credited with this percentage of the long distance revenue of the company which would, that revenue being \$1,632,021.37 for 1911, give Montreal \$236,643.09. This may be more nearly correct than the estimate submitted by the company. Probably it is. But it is equally conjectural in its basis. The company has professed its inability to properly divide up long distance costs. This has not been adequately combated by the experts of the city. Nor does it appear clear at the present moment how a scientific basis of distribution as between the lines originating or terminating the message within the city and the lines transmitting it beyond is obtainable. But once the message passes beyond the exchange limits of Montreal it is using the long distance transmission system of the company; all of the costs connected with the message in Montreal are not over when the message is either sent or delivered from there. There are costs beyond. To the extent of these undefined costs it is unfair to attribute the 14½ per cent to Montreal as revenue, regardless of the additional costs.

Depreciations.—The city's experts state that their figure for depreciation, viz., \$133,344:—

"Is arrived at on a basis of \$4 per station year for the average number of Montreal stations for 1911. This rate will furnish the means of keeping a telephone plant in perfect repair for all time, but of course will not permit of gigantic reserves. Such a rate of \$4 per station year will admit of an eventual surplus of 10 per cent which is considered prudent enough for almost any business purpose."

The content of depreciation, as set out by Mr. Bloom in his evidence, covers gradual depreciation as the result of decay, wear and tear which occurs in spite of repairs: inadequacy or obsolescence which may be caused by advances in the state of the art; increase in traffic requiring plant of larger capacity; and changes in popular demand, age, use or public requirement. This is substantially the definition of Floy in his *Valuation of Public Utilities*, p. 22, where he states that depreciation:

"in appraisal work means a reduction in utility, expressed in dollars due to any deterioration in physical plant by reason of (a) wear and tear; (b) age or physical decay; (c) inadequacy; (d) obsolescence; (e) deferred maintenance."

While Mr. Kelsey was disposed to criticize the provisions for inadequacy, obsolescence and contingencies arising from storms, the experts on both sides agreed in recognizing the business importance of providing for depreciation.

Mr. Kelsey has developed the idea of setting aside \$4 per station year from his own experience. The company sets out, in its statement H, the following computation showing the average depreciation:—

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DETAIL OF DEPRECIATION--MONTREAL EXCHANGE.

Kind of Plant.	Replacement Cost.	Annual Depreciation.	
		Per cent.	Amount.
	\$ cts.		\$ ctt.
Land	577,893 00		
Buildings.....	677,897 00	3·0	20,337 00
C. O. equipment	1,448,052 00	9·9	143,357 00
Sub-station equipment including installing pay stations and P. B. X's	654,052 00	10·0	65,405 60
U. G. conduit main	604,931 00	2·0	12,099 00
" " subsidiary	106,752 00	6·7	7,152 00
" cable main	591,714 00	3·0	17,751 00
" " subsidiary	163,023 00	5·8	9,455 00
Aerial cable	318,140 00	5·8	18,452 00
Cable terminals	72,404 00	10·0	7,240 00
Pole lines and cross arms.....	262,000 00	10·0	26,200 00
Bare copper wire.....	55,881 00	5·8	3,241 00
Bare iron wire.....	716 00	14·5	104 00
Twisted pair and interior block wire	146,192 00	10·0	14,619 60
Total or average.....	5,679,647 00		345,412 00

Average depreciation 6·1 per cent.

The Railroad Commission of Wisconsin, which has gone into the question of the regulation of public utility corporations more thoroughly than any other state commission, says, in regard to business practice in regard to depreciation:—

“Depreciation is an item that is always present. Practically all parts of the physical property of the plants outside of perhaps the land, begins to deteriorate, as soon as the plant is ready for operation, and this deterioration continues until the property becomes useless. Part of this deterioration is due to wear and tear, and part of it is due to natural causes, such as the elements, &c. As the different parts become worn out, they must be replaced by new, and this replacement is often very costly. It is an expense that also, in the end, must be borne by the customers of these plants, and is therefore a proper charge to operating expenses. As this depreciation is constantly going on, the charges by which it is covered should also be regular. That is, a sufficient amount of money should be set aside each year to cover the cost of replacing each part of the plant as it becomes useless or unfit for further use. The amounts so set aside should depend upon, or be adjusted to the life of the property. For property, the useful life of which is only ten years, the sum set aside must be relatively greater than for property that can be used twice as long.

“There are two methods in common use among public utilities, outside of steam railways, for determining depreciation. One of these is known as the straight line method. Under it the life of the unit is determined, and it is then assumed that during this life the depreciation is uniform. For units having a life of ten years, one-tenth of their cost is then set aside annually for their replacement. When, of these ten years, five have elapsed, the unit is supposed to be worth only one-half of its original cost, or of the cost of replacing it. This method is comparatively simple and has been widely used.

“The other method is based upon a slightly different theory. In this case it is assumed that the amount set aside annually for depreciation should be

invested at compound interest, and that the amount so set aside, plus the interest, will be sufficient to cover the replacement at the end of the life of the property. Since, in this case, the interest also is made a part of the fund, it follows that the amount that must be set aside each year is smaller than it would be if interest was not allowed or included. Under this method the value of the unit at any intermediate year during its life is its first cost, or the cost of reproduction less the amount of the sums set aside, including the interest on the same.

"Under the first of these plans, the drop in value is the same each year during the entire life of the unit. Under the second method the drop is light at first, while the amount set aside is small, but it increases as this amount grows larger, and toward the end of the period it rises quite rapidly. For short life units the difference between the two methods is probably not very material. For long life units, on the other hand, the difference may be of importance. This is especially true when there are changes in the ownership. Since under the latter method the fall in the value is greater in the latter than in the first part of the period, it would also seem that depreciation would fall heavier on purchasers than on sellers of such plants. This is a matter, however, that can probably be adjusted without much trouble. Upon closer analysis it would probably be found that neither method exactly corresponds to actual experience. The latter, however, appears to be the more highly recommended. When strictly adhered to, it would also seem to be the more economical."—*Hill et al, v. Antigo Water Co., Wisconsin Railroad Commission, August 3, 1909, pp. 21-22.*

It has also stated:—

"The amount that should be charged annually for depreciation is difficult to determine. The life of the various classes of property depends very largely upon the original quality of the same, the location, the kind of usage to which it is subjected, the amount expended for ordinary or current repairs, and upon other factors of this character. In addition to this there is also the question of obsolescence, or such changes as become necessary because of new inventions or because of changes in the art. In the electrical field in particular such changes are very frequent. It is usually held that from 5 to 10 per cent on the investment is required yearly to meet depreciation of all kinds depending upon conditions. Where current repairs are light, it is probable that the amount to be set aside will closely approach the latter figure; when current repairs are heavy, and the property kept in good condition, the former figure may be sufficient. A great deal depends upon the conditions under which the plant is operating. It is probable that the actual amount that is needed by any particular plant can be determined only through experience and by a close study of all the facts involved."—*Railroad Commission of Wisconsin, June 2, 1908, City of Dodgeville v. Dodgeville Electric Light and Power Company.*

In practice, the Wisconsin Commission has recognized varying rates of depreciation depending upon particular facts. In one case it recognized a rate of 3.67 per cent. But aside from this case it has recognized rates varying from 6½ per cent to 14.46 per cent. In Louisiana, the Special Committee of the New Orleans Board of Trade has approved of a rate of 7½ per cent.—*Report of the Special Committee of the New Orleans Board of Trade on "Telephone Conditions in New Orleans, etc." Approved April 8, 1908, p. 63.*

In Massachusetts the eminent telephone engineering experts, Messrs. D. C. and W. B. Jackson, have recognized a depreciation rate of 7.3 per cent of the value—

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exclusive of land, general supplies, and working capital.—*Massachusetts Railway Commission Report, 1909, p. 21.*

In Nebraska a rate of 8 per cent has been recognized by the State Railway Commission. While in South Dakota rates of from 6 per cent to 8 per cent have been approved by the State Railway Commission. In Kentucky the Federal Circuit Court has approved of a rate of 7 per cent, while in Oklahoma the same rate has been approved by the Supreme Court of that State.

The Maryland Commission, in the recent Baltimore case has recognized 6 per cent as a proper rate. *Public Service Commission of Maryland, in the matter of the Chesapeake and Potomac Telephone Company of Baltimore, Case No. 38, pp 3 and 4.*

The Public Utilities Commission of New Brunswick has expressed the opinion that 8 per cent is justifiable.—*Board of Commissioners of Public Utilities of New Brunswick in the matter of W. Frank Hatheway et al v. New Brunswick Telephone Company, Limited, p. 15.*

The reliance which Mr. Kelsey reposed on the Hagenah report as confirmatory of his position, that the setting aside of a specific sum per station year gave an adequate provision for depreciation, makes it of value to look into this report in some detail. This report was presented to the telephone sub-committee of the city of Chicago, December 27, 1910, by William J. Hagenah. Not only in his specific calculation of depreciation of value, his statements as to the content of depreciation are also pertinent. He states that:—

“The first step in the determination of what constitutes a sufficient charge against operation for this purpose (*i.e.*, depreciation) is the calculation of the approximate life of the plant as a unit, or its composite life.”—*p. 47.*

On the basis of computations presented, he estimated that a depreciation rate of 6.66 per annum would be sufficient. He, however, prefers the sinking fund method, and states that it is not sufficient to deal with the plant as if it always continued in use until replacement was necessary. Consequently, there must be additional loading. He sets forth his conclusion as follows:—

“Municipal requirements, the demands caused by city growth and the rapid growth of the company itself, occasions expenditures of this character. The frequent changes in telephone locations due to subscribers discontinuing their service, or removing to another part of the city, resulting each time in the loss of certain property, also makes the actual depreciation in excess of what appears necessary under normal conditions. For these reasons, as justified by an analysis of expenditures covering some of the above items, the yearly rate of depreciation for this plant may be placed at 5½ per cent.”—*p. 51.*

It is apparent that whatever agreement exists between Mr. Kelsey's station year basis and Mr. Hagenah's percentage basis is one of coincidence, not of principle.

The latest expression of Mr. Hagenah on the subject of depreciation has been in connection with the Wichita case. Here he has stated that:—

“... applying well established principles for this determination, it would appear that an annual allowance of 8 per cent on the reproduction cost now of the depreciable property when placed in a separate reserve would permit of the ultimate reproduction of the property.”—*Analysis of Rate Schedule submitted by the Missouri and Kansas Telephone Company to the City of Wichita, Kansas, May 29, 1911, by William J. Hagenah.*

In general, then, the percentage basis has the sanction both of business experience, and the approval of regulative tribunals. Either the straight line or

the sinking fund method may be used. While the latter is more scientific, no inherent objections attach to the former.

For the reasons already stated the book value of the Montreal plant is taken, as stated, at \$4,480,919. Mr. Kelsey also includes in his plant value the item of \$989,095 for long distance investment. While his figures for long distance toll revenue properly attributable to Montreal are conjectural and subject to the criticisms already made, they may be taken as set down. On the expense side depreciation may be calculated on the value made up of the book value as given, plus Mr. Kelsey's allowance for long distance equipment, but deducting therefrom the value of the land as returned in the company's statement A.

It will be noted that while in the company's statement of depreciation already quoted no allowance is made for depreciation on land, there being normally an appreciation in this item, the value of the land is included in the base on which the average percentage of depreciation is computed. This of necessity decreases the percentage ratio. It is proper to deduct the value of the land obtaining thereby on the company's figures on the items subject to depreciation, a rate, not of 6.1 per cent, but of 6.77 per cent.

A comparison may be made with the figures as given in the Hagenah report. In that report a calculation of composite life is given on page 48 thereof. The Montreal percentage figures may be converted into figures of life in years. The following table which covers the leading items of the two tables gives a comparative statement so far as identity of subject matter renders comparison possible:—

Montreal Life in Years.	Chicago (Hagenah report) Life in Years.
Buildings, 23½ years.. . . .	50 years.
C. O. equipment, 10.1 years.. . . .	10 "
Substation equipment and P. B. X's, 10 years.. . . .	10 "
U. G. Conduit-main, 50 years.. . . .	40 "
U. G. cable-main, 33½ years.. . . .	25 "
Aerial cable, 17.2 years.. . . .	15 "
Bare copper wire, 17.2 years.. . . .	12 "

The Hagenah report states "while certain of the items are estimates, and must necessarily be so, they are based on the experiences of many plants and substantiated by the judgments of those whose knowledge and experience make their opinions valuable"—(P. 47). The Montreal figures are Montreal "experience" figures, which are stated to be in substantial harmony with the American Bell experiences.

After due consideration it does not appear that the revised percentage of 6.77 adopted by the company in the present case is out of line, or that the percentage system is improper.

In considering the correlated figures the following results are now obtainable:—

Book value.. . . .	\$	4,480,919
Long distance equipment, 23.5 per cent.. . . .		989,095
Receipts as per Kelsey statement.. . . .	\$	1,579,148
Expenses per company's figures, less depreciation.. \$	795,683	
Depreciation at 6.77 per cent on adjusted book value less land value.. . . .	330,196	1,125,879
Net earnings.. . . .	\$	453,269
Percentage of profit.. . . .		8.28

In this analysis the attempt has been made, so far as possible, to eliminate conjectural computations, or methods of calculation of depreciation which have not the sanction of experience and authority. Mr. Kelsey stated in evidence that a return of 8 per cent on book value was justifiable. The difference between this figure and the figure 8.28 per cent is too slight to warrant a rate reduction on this basis, or in fact to permit an appreciable revision to be made. It must be frankly recognized that there enters into the computation the conjectural element as to long distance earn-

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ings which, as here included, is probably a maximum, and it is apparent that any variation downward of this figure would decrease the percentage of return. It may also be frankly admitted that with more refined data a more exact analysis could be made. It is problematical whether this would make much difference.

The burden is on the one attacking the reasonableness of a rate to make out an affirmative case. It appears, therefore, that the city has not upheld its attack on the reasonableness of the rates *per se*.

THE BLAKE SET AND THE LONG DISTANCE TRANSMITTER.

The difference in rates between the Blake sets and those equipped with the long distance transmitter has already been referred to in Mr. Sise's explanatory statement. Mr. Mott, in the course of his evidence for the city, said:—

“The principal difference between the Blake set and the common battery set is in the transmitter. Now these Blake sets, as I started to say, are more expensive sets than the common battery sets. They are more expensive to maintain. The same plant equipment is used in connection with the Blake set as is used in connection with the common battery set, and yet with the more expensive instrument, the Blake set, more expensive than the common battery, and more costly to maintain, this company charges \$5 less for its use.”

The Blake set was spoken of by Mr. McFarlane in the course of his argument, as inadequate equipment. While Mr. Mott contended that the principal difference was in respect to the transmitter, Mr. Sise admitted that so far as the difference between the long distance transmitter and the Blake transmitter was concerned there was no justification on this ground for the difference in charge. Mr. Mott and Mr. Sise are agreed that the Blake transmitter does reproduce the voice well. Mr. Mott, in cross-examination, stated that the Blake transmitter, unless reconstructed, is not as good as the long distance transmitter for long distance conversations. Mr. Sise's contention that the Blake transmitter was out of date is corroborated by Mr. Mott, who states that his information is that it is not being manufactured to-day. In the territory with which he is especially acquainted in the United States, it has not been in use since about 1898. It was found that the Blake set was not so satisfactory in connection with the metallic service.

The metallic circuit, or two wire system, is now used with the Blake set as distinguished from the old system of a single wire with a ground connection which is no longer workable in large cities. But while it is thus connected up with the central energy, or common battery system, and while the subscriber may be spoken to from Central on this central energy equipment, it is necessary in order to operate the transmitter at the subscriber's substation, to have a single cell battery at each substation which is equipped with a Blake set. That is to say, that while the subscriber may be spoken to from Central by means of the central energy equipment, he cannot speak to Central or to another subscriber unless his set is equipped with a Leclanche, or dry cell battery.

The situation then, is that through advance in telephonic art the Blake set is now out of date and is no longer manufactured. It further appears that unless there is additional equipment it will not work in connection with the central energy system which is now almost universally used in large installations in connection with manually operated telephones.

In the case of the central energy system, the battery power necessary for signaling and for the transmission of speech is located at Central. On this account it is much easier for the experts of the company to detect and remedy defects in connection with subscribers' instruments. In the case of the Blake set the detection and

remedying of defects necessitates more frequent visits of inspecting officials to see the individual instruments than are necessary in the case of the ordinary instruments.

The 615 telephones of this type now in use in Montreal are simply survivals. It is not the function of the Board to order that antiquated apparatus should be continued or discontinued unless the efficiency of the service is involved. It is true that the evidence points to the Blake set being a more expensive instrument to operate, while at the same time it has a lower rate. But this is not a conclusive criterion of discrimination in the present instance. The ultimate determination of whether a preference is undue or a discrimination unjust, is a question of a quantitative weighing of facts. In the present case the number of the Blake sets is so small as compared with the total number of instruments in use, that it does not appear justifiable to intervene to change the existing situation.

DISCRIMINATION.

The central fact in the city's attack on excess mileage charges is that they are discriminatory. The matter of discrimination was developed in the evidence of Mr. Mott. The question of discrimination was urged as to localities. City rates have been extended to Montreal West, Outremont, and Notre-Dame de Grâce and Mount Royal wards. It is complained that the residents in Ahuntsic, Bordeaux, and Longue Pointe have to pay excess mileage. It is alleged that this difference is discriminatory. It is further contended that the existing method of computing excess mileage is discriminatory. The position as set out by the city in its summary may be quoted:—

“The company's present method of computing its extra mileage charged is most unjust, as will be seen from the following examples: in the western portion of the city the free flat rate service is furnished 3.25 miles west of Westmount exchange. If, however, a subscriber is located 3.5 miles from the same exchange or .25 mile beyond the free area, he is charged an excess mileage of 2.5 miles, or \$50 per annum for the additional .25 mile beyond said free area, this for the reason that the extra mileage charge commences at an imaginary line one mile distant from the Westmount exchange and not from the boundary of the free area. The same condition prevails in greater or lesser degree from other exchanges of the company. The St. Louis exchange imaginary line is .75 mile within its free area limits.”

The rapid expansion of the territory of the city of Montreal has, no doubt, presented many difficult problems to the company. While it would appear that in the extension of services the company might have made use of a zone system, they have seen fit to make a haphazard and unsymmetrical series of extensions which are, no doubt, due to concentrating attention on the particular facts of a particular case alone. The existence of a flat rate to Montreal West, a distance of six and one-quarter miles from the city hall, is considered as especially discriminatory by the city as compared with the rates to the north and east. In dealing with this situation Mr. Sise said that the one point, in his opinion, where the company was open to criticism was in extending the Montreal rates to Montreal West and Notre-Dame de Grâce. At the time the rate was given to Montreal West there was a considerable amount of farm land between it and the city. At the time the rate was extended to Montreal West the company was granted an exclusive franchise. This, however, has expired now and no reliance is placed upon this point. Further, Mr. Sise testified under examination by Mr. MacFarlane:

“Q. Would it be fair to take the city hall as the centre of the city at the present time, or would you consider it to be the centre of the city?—A. Oh, no, I don't think you can take any point to measure any one point in a thing of

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this kind. I suppose the city hall is as reasonable a centre as any other, or the Main exchange, if you take it. We admit the apparent discrimination in the west as compared with the north and east; that is discrimination in that locality as against the others, but we state that we claim that we made a mistake in extending to that territory. There is no discrimination between parties in the same territory."

In December, 1910, when the Bell Telephone Company made an application for the approval of certain tariff supplements covering territory connected with the Toronto exchange, the tariffs in question were found to be discriminatory. The late Chief Commissioner said:—

"At the threshold of the inquiry it appeared that some years ago the company voluntarily established certain tolls to certain districts and subscribers in certain districts at the east end of Toronto, and have maintained these tolls for many years, and now, when new districts come in at the north and at the west, the company, alleging that it is furnishing facilities to subscribers in the east at unprofitable tolls, propose to increase the tolls to subscribers in these new districts to the north and to the west.

"If that were permitted, clearly the statute would be violated, because the company would be charging, with the sanction of this Board, tolls to "A," living in West Toronto, higher than tolls to "B," living in the eastern section of the city; the distance to the subscriber in West Toronto being lower than the distance to the subscriber in the east end of the city, the conditions being similar. . . .

"In the result, therefore, nothing is left but to say that under the law, and the situation the Bell Telephone Company has brought about, there is no alternative but to treat the people in West Toronto as the people in the rest of the city are being treated, and that they will be entitled to pay the like tolls."

It might seem at first blush that the facts of the Toronto case are on all fours with those in the case now before us. But this would rest on a partial view of the case. Mr. Sise was quite correct when he stated in evidence:—

"As I said in the first part of my evidence, it is not a city of Montreal proposition at all, it is the community and the community embraces Outremont, Westmount and Maisonneuve."

The peculiar form of Montreal's civic boundaries emphasizes the fact that there is no necessary sacred connection between free exchange limits and civic limits. When untrammelled by arrangements already made by the company it is a question of particular facts.

In the Toronto case the Board was confronted with a situation lying wholly within civic limits. In the present case the separate municipality of Montreal West is introduced as the measure of the discrimination. It is thus a question of distance, not of civic limits.

No adequate justification of the continuance of the flat rate to Montreal West, while a similar arrangement is refused to sections of the Montreal Exchange territory situated at a similar distance from the main exchange has been made. The existing arrangement is discriminatory. Whatever be the exact distance from the Main exchange to the furthest point of Montreal West which is given the flat Montreal rate, this distance should be taken as the radius of the zone to be described, with the Main exchange as a centre from the west to the east of Montreal Exchange territory as at present constituted, and within the zone so determined the Montreal flat rates should be made applicable.

EXCESS MILEAGE.

As to the general question of excess mileage, this has been dealt with in so far as discriminatory features are connected with it. It is not the existence of excess mileage which constituted the discrimination. It was the charging of excess mileage in one district while another similarly situated did not have it charged to it. In so far as the charge per mile is concerned, this is concerned with a general question affecting not only Montreal but other cities. Nothing was disclosed in the record which is of any assistance in the determination of this matter, and so it will not be passed upon until further information is obtained.

COMPUTATION OF EXCESS MILEAGE IN MONTREAL EXCHANGE TERRITORY.

The company's position is that it has first to define a boundary within which the flat rate applies. Then it has to determine rates for everybody residing beyond the boundary; for it does not consider that people residing beyond the boundary are entitled to the maximum length of line. As an example of the company's practice, under its tariffs, Mr. Sise said that in the case of the St. Louis exchange all individuals residing beyond the free area are charged on a basis which allows one mile from that exchange.

It is stated that the question of average enters to a great extent into the working out of telephone rates. This is unquestionable. The man who makes but little use of his telephone is bulked up with the man who makes a large use of his telephone while paying the same rate. The man who uses his telephone facilities to a slight extent is aiding in paying for the facilities enjoyed by the man who makes constant use of his telephone. This is an anomaly inseparable from the flat rate system. But while the principle of average is to be recognized, the situation that faces us is this: the man living within the free area gets the full advantage of the free area, while the man who lives beyond the free area does not get the full advantage of this.

Now as to the man within and the man without the free area, no attempt was made to justify the difference in treatment by differences in conditions as to equipment or as to conditions of transmission within the free area. In the case of a message transmitted to one man just within the free area, and to another just beyond it, it is not alleged that there is any physical difference or any difference as to the cost of construction of the wire mileage up to the boundary and the same extent of wire mileage up to the boundary forming part of the mileage to the point beyond and over which the message to the point beyond travels. That is to say the only justification alleged for the difference in treatment is the principle of average.

In dealing with questions of discrimination in regard to telephone rates, the Board is referred by Parliament to the provisions of the statute dealing with freight tolls. Now in the present case the situation may be deemed analogous to a local haul as compared with a through haul, the distance covered by the local haul being common to both movements. Now while in practice the situation is constantly met where the portion of the through rate for the mileage of the local haul is less than the local rate thereon it is abnormal to meet the situation where this portion of the through rate is higher than the local rate. A mere principle of average could not be invoked to justify this difference. As I read the Railway Act, Parliament has not empowered the Board to accept it here.

Where the conditions of telephone transmission up to the limit of the free area of an exchange are the same, it is discriminatory to treat the man living beyond this area and within the Montreal Exchange territory in a different way from the man living inside this area. That is to say he should have the same free mileage allowed.

The directions as to rate adjustments above given should come into force by January 1, 1913.

OTTAWA, October 28, 1912.

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Order No. 18412.

Upon hearing the application at the sittings of the Board held in the city of Montreal on the 17th day of June, 1912, the applicant and the respondent company being represented by counsel at the hearing, the evidence offered, and what was alleged; and upon reading what has been filed in support of the application and on behalf of the respondent company—

It is ordered as follows: That

1. The applications for an order requiring the respondent company to abolish its present charges of \$55 and \$35, and to substitute \$50 and \$30 per annum for business and residence telephones respectively, and to operate its pay stations in such a way as to ensure that no payment shall be collected unless a conversation is effected, be, and they are hereby refused.

2. The respondent company shall extend its present Montreal flat rate to the territory north of the St. Lawrence river within a radius of six miles from its main exchange in the city of Montreal, as shown by a black line on a plan on file with the Board.

3. In the case of subscribers' stations located within the Montreal Exchange territory, but beyond the flat rate zone as defined by clause 2 hereof, mileage, if charged, shall be charged only on the portion of the subscribers' line located beyond the aforesaid flat rate zone.

4. The respondent company shall forthwith publish and file the necessary tariff, or tariffs, making the provisions of this order effective by the first day of February, 1913.

5. The application of the respondent company for permission to amend its tariff of tolls to be charged within the exchange limits of the city of Montreal, C.R.C. No. 1435, is hereby refused.

D'ARCY SCOTT,
Assistant Chief Commissioner.

PRESS TELEGRAPH TOLLS.

Application having been made by the Canadian Press Limited, Toronto, Ont., to the Board, asking that the Great North Western Telegraph Company and the Western Union Telegraph Company be required to file with the Board, a press service rate in all Canadian territory. The matter was set down for hearing at sittings of the Board held in Toronto, April 30, 1912. Subsequently the judgment of the Board was delivered by the Assistant Chief Commissioner, concurred in by Commissioners Mills and McLean. The following is the judgment referred to:—

The Assistant Chief Commissioner:

In this matter the applicant was represented by Mr. E. W. McCready, the manager of the *St. John Telegraph*, and the *St. John Evening Times*; and Mr. H. V. McKinnon, representing the Maritime Province papers.

The application was twofold. First, that the Great North Western and the Western Union Telegraph Companies be ordered to provide special tolls for press service similar to tolls which the Canadian Pacific Railway Company's Telegraph had established by agreement with the Press Association; and, second, that the Canadian Pacific Railway Company's Telegraph, the Great North Western, and the Western Union Telegraph Companies, be ordered to restore the rate in the Maritime Provinces of 25 cents per 100 words for "Press specials," which had been in effect prior to the 1st September, 1910.

With regard to the first portion of the application, I am of the opinion that the applicant's request should not be granted. About two years ago the question of the

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collection and despatch of news for the press by the Canadian Pacific Railway Company's Telegraph, as well as the rates charged for such service, was before the Board and an agreement was arrived at between the parties interested and new rates put into effect. The Great North Western and Western Union Telegraph Companies were not parties to that agreement, and they had not sought the press business, or provided the special facilities for its collection and distribution which the Canadian Pacific Railway Company's Telegraph had. The Great North Western and the Western Union Telegraph Companies contend that the applicant's business would be unremunerative and they do not want it at the rates which are paid the Canadian Pacific. Under these circumstances, I see no justification for imposing this burden upon these companies.

With regard to the other branch of the application: It appears that for many years, prior to the 1st September, 1910, the telegraph companies carrying on business in the Maritime Provinces gave a rate of 25 cents per 100 words on what was called "Press specials," i.e., a special despatch to an individual newspaper. This rate had been voluntarily established by the companies. Twenty-five cents per hundred words is to-day and for many years has been the rate charged in Ontario and Quebec for such service. On or about the 1st September, 1910, the telegraph companies commenced charging 50 cents per 100 words for "Press specials" in the Maritime Provinces, although the 25-cent rate for similar service was continued in Ontario and Quebec. This, I think, establishes a *prima facie* case of unjust discrimination against the Maritime Provinces, and as at the hearing the companies did not establish that there were special circumstances and conditions which justify the difference in rate, I think this portion of the application should be granted, and the telegraph companies ordered to restore the 25 cent per 100 words rate in the Maritime Provinces.

J. M., S. J. McL.

OTTAWA, May 10, 1912.

D'ARCY SCOTT.

In pursuance of the judgment the Board issued the following order:—

Order No. 16556.

Upon the hearing of the application at the sittings of the Board held in Toronto on May 1, 1912, the applicants, the Great North Western Telegraph Company, and the Canadian Pacific Railway Company's Telegraph being represented at the hearing, and what was alleged; and upon the report of the chief traffic officer of the Board —

It is ordered:

1. That the application requiring the Great North Western Telegraph Company and the Western Union Telegraph Company to provide special tolls for press service similar to the tolls established by the Canadian Pacific Railway Company's Telegraph under agreement with the Press Association be, and it is hereby refused.

2. That the Canadian Pacific Railway Company's Telegraph and the Great North Western and the Western Union Telegraph Companies be, and they are hereby required to restore the rate of 25 cents per 100 words for "Press specials" in the Maritime Provinces; the said rate to become effective by the seventeenth day of June, 1912.

D'ARCY SCOTT,

Assistant Chief Commissioner.

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INDICATING OF RATE CHANGES IN FREIGHT AND EXPRESS TARIFFS.

The matter of indicating changes in freight, passenger and express tariffs, was brought before the Board for consideration by the freight traffic manager of the Grand Trunk Railway Company, and the Board having in view the desirability of uniformity in this respect, decided to issue the following order:—

Order No. 16900.

It appearing to the Board that comparison of freight, passenger and express schedules with those which they supersede or amend should be facilitated; and in pursuance of the powers conferred upon the Board by section 322 of the Railway Act; and upon the report and recommendation of the chief traffic officer of the Board—

It is ordered that all freight, passenger and express tariffs, and supplements thereto, applying between points in Canada, or from any point in Canada to a foreign country, filed with the Board on or after September 1, 1912, shall, except as herein-after provided, indicate advances thereby made in existing tolls by symbol "A" (capital), and reductions by the symbol "R" (capital), with the necessary explanatory note, in the following manner, namely:—

1. Schedules which show the rates opposite the stations—

The proper symbol to be shown against each rate, or each rule or regulation, changed.

2. Schedules in which the rates appear in a table separated from the station list—

(a) Unless the station groupings have been varied relatively to their rates, the proper symbol to be shown in the rate table in the manner prescribed in section 1.

(b) If the station groupings have been varied relatively to their rates, the proper symbol, or symbols, to be shown against the reference on the station page to the rate table, and against each rule or regulation changed.

Provided that if any rates or matter be necessarily so closely printed as to leave insufficient space for the symbols, or if the latter be otherwise unsuitable, and in such cases only, increases shall be printed in full-face type, and reductions in italics.

And it is further ordered that the requirement that the title page, or front cover, of all tariffs and supplements bear, at the top, the word (or words) "Advance," "Reduction," "Re-issue," or "New Rates," as the case may be, is not hereby abrogated.

D'ARCY SCOTT,

Assistant Chief Commissioner.

CLASSIFICATION OF GRAMOPHONES.

The question of the classification of gramophones in the musical instrument list of the Canadian Classification came before the Board for consideration in April, 1911, in connection with the application of the Berliner Gramophone Company, of Montreal, P.Q., for an order directing the railway companies to provide a carload rating on, and to include gramophones in the musical instrument list of the Canadian classification. After the first hearing in April, 1911, judgment was reserved, and the matter referred to the chief traffic officer of the Board for report. Subsequently the judgment of the Board was delivered by Commissioner James Mills, concurred in by the Assistant Chief Commissioner, Commissioner McLean dissenting. The following are the judgments in the matter:—

JUDGMENT.

Commissioner Mills:

In *re* the application of the Berliner Gramophone Company, Limited, Montreal, for an order directing the railway companies subject to the jurisdiction of the Board, to add gramophones, boxed, to the "musical instruments" list in the Canadian Freight Classification, it may be observed as follows:—

The applicant company calls attention to the fact that these instruments are already provided for in the said classification, not as musical instruments, but under a separate heading as "Gramophones and Graphophones"; adding that "gramophones are analogous to music boxes and instruments similar to the 'Regina' and small-sized 'Orchestrion,' both of which are operated by perforated steel discs, which, in principle, are not unlike the flat composition disc known as the 'record' in gramophones; and that piano parts, music boxes, drums, etc., are all embraced in the 'Musical instruments' list, while gramophones are excluded." Hence the application in this case.

The railway companies, through the advisory committee of the Canadian Freight Association, represented by its chairman, John Pullen, Esq., refused to grant the said application, mainly on two grounds:—

1st. That the gramophone is not, strictly speaking, a musical instrument.

2nd. "That gramophones are not shipped in carloads, between points in Canada; that a carload rating is asked for solely for the purpose of obtaining a classification which will permit the loading of these machines in the same car with musical instruments, and securing the advantage of the carload rating of second-class on what is properly a less-than-carload shipment, instead of the present first-class rating; and that, if granted, this would simply pave the way for similar applications for additions, not only to the 'Musical instruments' list, but also to other lists, resulting in the reduction of the carriers' revenues without accomplishing any good purpose in so far as the ultimate consumer is concerned."

If a music box, operated by a spring, and the pianola, used to produce music by attachment to a piano, are musical instruments—and they are so classified by the Freight Association—it seems difficult to avoid the conclusion that the gramophone is also a musical instrument. In fact, it is, in my opinion, scarcely necessary to argue the question; for it is manifestly proper to name a thing from its chief function or most striking characteristic; and while the gramophone reproduces all kinds of sounds, its chief function is to reproduce vocal, band, violin and orchestral music. I think we may properly say that it is the most wonderful musical instrument ever invented; and I need only add that almost the only people who deal in gramophones, buying and selling them, are wholesale and retail dealers in musical instruments.

Admitting that gramophones are musical instruments we are unable to give any good reason for excluding them from the "Musical instruments" list in the freight classification. It is true that hitherto they have not been shipped in carloads between points in Canada—for the simple reason that there has been no carload rating for them. The rate on carloads and on less-than-carload lots being the same, there is nothing to be gained by shipping in carloads; and it should not be forgotten that there are now in the "Musical instruments" list several instruments which are never or scarcely ever, shipped in carloads between points in Canada—music boxes, violins and drums, for instance.

The chief traffic officer of the Board, in his report on this case, quotes from a compromise agreement entered into December, 1905, by the railway companies and a representative of the "Canadian Manufacturers' Association," as follows:—

"The Canadian Manufacturers' Association withdrew their application for the open or unrestricted mixing of commodities, in carloads, at the highest

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rating, to and between points west of Port Arthur, as in effect in the territory east of Port Arthur, in consideration of the railways meeting the needs of the situation by providing for the special cases brought before them, and *in view of their expressed willingness to give equal consideration to any similar cases which may arise in the future.*"

And he adds that—

"In these various trade lists scores of articles that do not move in carloads, are, nevertheless, given carload ratings, that they may be shipped as items of mixed carloads, and for no other purpose."

It is no doubt true, as stated by Mr. Pullen, that there are defects and anomalies in the classification; but it should be borne in mind that the trade-list system (the grouping of commodities with a view to shipping in mixed carloads) was voluntarily introduced by the railway companies—no doubt after careful consideration; and as long as it continues so important a part of the classification, I am unable to see how the companies can refuse to make reasonable additions to the lists, without leaving themselves open to charges of discrimination and violation of the underlined portion of the agreement quoted above.

On a gramophone weighing 300 pounds gross, the freight from Montreal to Calgary is \$9.57 under the present less-than-carload (L.C.L.) rating, and \$8.04 under the carload (C.L.) rating asked for. To Revelstoke, the figures are respectively \$11.34 and \$9.51. The difference on a single instrument is not very much; but it may amount to a considerable sum in the aggregate.

The gramophones in question are sold f.o.b. at the factory; so that parties directly affected by the freight rates are the jobber, the retailer, or the consumer—or all three; and I fail to see why a change in the rating is not likely to benefit or injure "the ultimate consumer" in the case of gramophones as in the case of hundreds of other commodities of which the freight on a single article is a comparatively small amount.

Further, it does not necessarily follow that a railway company secures less net revenue from carload than from less-than-carload shipments of goods.

The carload rate is nearly always less per 100 pounds than the rate on less-than-carload lots; but, in the case of a carload, no freight-shed accommodation is required either at the initial point or at destination; the shipper does the loading at his own expense; the consignee generally does the unloading at his expense; the railway company is paid for a full capacity carload, whether the car is filled, half-filled, or third-filled; the car is simply hauled from one point to another fixed point, involving little or no outlay in transit similar to the heavy expense incurred by the frequent shunting of the same car and the handling (loading and unloading) of L.C.L. way freight; and the loss to the company from breakage or other damage to goods is comparatively little, because the shipper (a directly interested party) does the arranging, packing, and staving of his goods in the car; and the consignee, another directly interested party, generally does the unloading.

In the case of less-than-carload shipments, the railway company frequently bears a part of the cartage charges for collecting and delivering the goods; the company has to provide freight-shed accommodation, and it does the loading and unloading at its own expense; the car is rarely filled—in fact, it often goes half empty for a considerable part of the way, while the company is paid only for the actual weight carried; the company has to bear the expense of frequent stopping and shunting at stations; and the loss to the company from breakage and other damage to goods in transit, is relatively heavy—(1) because cars carrying L.C.L. traffic have to be frequently stopped and shunted; (2) on account of hurried loading and unloading at stations; and (3) as a result of the goods being hurriedly dumped into a car with other goods therein, and left to slide about and be broken or otherwise damaged by the well-known slamming and banging of freight cars in coupling, starting, and stopping, especially in the hurried movements necessary to shunting.

The application in this case is supported by the Canadian Manufacturers' Association: it is also supported by jobbers in Ontario and in the western provinces; and my opinion, concurred in by the chief traffic officer of the Board, is, that the said application is a reasonable one and should be granted—that gramophones and graphophones (under their various styls and names), gramophone and graphophone records, phonographs and phonograph cylinders, boxed, should be added to the "Musical instruments" list and be given a second-class rating in the Canadian Freight Classification.

OTTAWA, April 11, 1912.

The Assistant Chief Commissioner:

This application for the classification of gramophones and graphophones with "Musical instruments" in the Canadian Freight Classification was heard by my brother commissioners, Dr. Mills and Commissioner McLean, at a sitting on the 18th April, 1911. The matter was allowed to stand for some time to give the applicants an opportunity of putting in some further information.

The file now comes to me with a memorandum from Dr. Mills, dated April 11, 1912, recommending that the application be granted; and a memorandum from Commissioner McLean, dated April 22, 1912, expressing the opinion that a case has not been made out for the interference of the Board. I have read these, and have also read the report of the chief traffic officer of the Board of the 28th March, 1912.

As my brother commissioners who heard this matter do not agree, it is incumbent upon me to decide the matter. It appears to me to be a question of classification only. My view is, that gramophones and graphophones are quite as much musical instruments as music-boxes, which the railway companies have voluntarily placed in this classification. I therefore concur with Dr. Mills in the granting of the application.

OTTAWA, May 7, 1912.

D'ARCY SCOTT.

Mr. Commissioner McLean:

So far as the Canadian Freight Association objects to the amendment of the classification asked for on the ground that gramophones are not musical instruments and therefore should not be included in the musical instrument list, I think that nothing of any importance depends on this. Gramophones are as musical as a great many other instruments which are apparently recognized as musical instruments. What the Board is concerned with is not the mere abstract question of the logic of classification. I have devoted some time to the study of different classifications, and have not yet been able to work out an inclusive logical principle on which they are based. Mr. Walsh has put the position of the applicants succinctly when he says if the instrument is a musical instrument it is entitled to the same treatment as all other items on the musical instrument list. But is this the only question?

Mr. Chilvers frankly stated that the application, if successful, would only be of indirect advantage to his company. The goods are handled by jobbers. The chief jobbers who deal in these instruments are located in Halifax, St. John, Quebec, Montreal, Ottawa, Toronto, Port Arthur, Fort William, Winnipeg, Calgary, Regina, Edmonton, Vancouver and Victoria. He stated that he had taken the matter up on the application to him of various jobbers. He further undertook to send in copies of the various applications which he had received from these jobbers, and which led to the present application. While a few letters have been received, it so happens that Mr. Chilvers is not able to supply all the material which he promised. The reason for this is readily apparent. On account of the illness of Mr. Chilvers it has not been possible for him to take the matter up until recently. The case has been standing for this information. In the meantime it being the practice of his company to clear its files from time to time so that these files may not be unnecessarily loaded up with

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correspondence, a considerable part of the correspondence which he promised has been destroyed.

The jobbers being in reality the persons interested, their position, as developed in the correspondence on file, is of importance. In a letter written on August 8, 1911, Walter F. Evans & Company, of Vancouver, stated that in November, 1909, they had been compelled to ask the Berliner Gramophone Company to permit them to raise the retail price of the Victor Victrola XVI owing to the high freight rate which existed. Three letters from the Mason and Risch Company, of Toronto, under date of May 29, May 30, and August 4, 1911, are on file. The first of these devotes itself to the inconsistency of the classification as it at present exists. It is claimed that it is a very great injustice that at the present time carload shipments can be made up consisting of pianos, organs, cabinet players, stools, and benches, while at the same time the dealers are debarred from enclosing musical instruments such as gramophones. The same position is developed in the other two letters referred to.

It would appear then that the two features to be dealt with are the question of the alleged inconsistency of the classification, and the question of rates. I do not consider it necessary to devote time to the inconsistency of the classification. The classification is inconsistent in this, and in many other respects, and life is too short to engage in the correction of the classification on purely abstract grounds. The matter which is fundamental in this application is that of the rate, and of the circumstances connected therewith.

While the applicant company did not directly challenge the rate, the most important reason given in the letter of the Evans Company is the burden of the rate. In this letter reference was made to the fact that this company found it necessary to apply to the Berliner Company for permission to raise the sale price of the instrument. It was stated by Mr. Chilvers in his letter of March 24, 1911, that "we were obliged to allow dealers to advance the price of the largest of the Victrola types of instruments from \$240 to \$250." While Mr. Chilvers said that they gave the dealers the privilege of advancing, which they unanimously accepted, it points to the fact, which was more definitely developed later on, that the company has entire control over the selling price of the instruments. In answer to a question he testified that the retail price of the instrument was controlled entirely by his company. When asked what his company would do if one of the dealers cut the price named, Mr. Chilvers replied "we cut him off our list; we won't supply him." It may be further noted that while the increase of \$10 was stated to be made on account of the burden of freight rates, the only points from which we have any allegations as to the burden of freight rates are in British Columbia. At the same time the increase of \$10 applied generally on this type of instrument as sold at the different jobbing points regardless of the distance from the initial point of distribution by the Berliner Company, and so far as the Board is informed, without any computation based upon the pressure of freight rates at these points. Certainly, if the \$10 increase was necessitated at Vancouver on account of the pressure of freight rates, it would follow that such increase being made general would, in various instances, simply mean an additional profit to those handling the instrument.

The Board is constantly told, in connection with applications made to it for revision of freight rates, that if a reduction is ordered it will result in the consumer receiving the article at a lower price. The consumer certainly should participate in the advantage flowing from the reduction by the Board of rates on the ground that they are unreasonable. But to the consumer, who deserves a consideration he does not always receive since he is the end of the distributive process, and the silent partner in it, the advantage of the rate reduction filters slowly, and I am satisfied that in many instances the advantages legitimately flowing from rate reduction never reach him.

The function of the Board is not to ensure the shipper or producer profits on his commodity. The factors affecting production and distribution at a profit are many

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and diversified. The rate factor, which is one of them, is the only one with which the Board is concerned. If the Board finds the rate unreasonable it is its duty to direct a proper reduction. But in so reducing it it is not to be assumed that the inability of a producer or shipper to compete in a given market in every instance measures the proper rate reduction. Rate reduction, in so far as the rate is found to be unreasonable is the duty of the Board, and the right of the producer or shipper. But it is only in so far as the rate is unreasonable and not as the insurer of business profit that the Board has authority to interfere. It follows that it is not within the scope of the Board's functions to readjust the balance of profit between the shippers or producers and the railway. Its intervention, it is true, may by directing rate reduction affect this balance; but its action is concerned with the particular facts affecting the reasonableness of the particular rate or rates.

In the present application the Board is confronted with a situation in which the retail price of the article produced is entirely controlled by the producing company. The price is uniform regardless of local conditions, length of haul, or freight charges. The price cannot be increased without the permission of the Berliner Company, and if the price is reduced by a dealer, the penalty is that the dealer will no longer be permitted to carry the instruments in question. It is not within the scope of the Board's jurisdiction to pass any opinion upon the legitimacy of the arrangement above outlined. It is justifiable to recognize the fact.

It would appear upon the facts of the application before the Board that it is in essence simply a question of readjusting profits between the railway and the producer, jobbers, and retailers concerned, and that the consumer in no way stands to gain from any change in the situation. It has not been established that the rates are unreasonable, and I am therefore of the opinion that a case has not been made out for the interference of the Board.

OTTAWA, April 22, 1912.

Pursuant to the above judgment, the following order was issued:—

Order No. 16931.

Upon the application on behalf of the Canadian Freight Association, and the report of the chief traffic officer of the Board—

It is ordered that the time within which the said order No. 16479, dated May 10, 1912, be put into effect by the railway companies, be, and it is hereby extended until August 1, 1912.

D'ARCY SCOTT,
Assistant Chief Commissioner.

JOINT EXPRESS RATES.

A complaint having been filed with the Board in regard to joint express rates on poultry from Picton to Ottawa, via Canadian Northern and Canadian Express Companies, the Board, notwithstanding the conditions of carriage of express rates by one or more companies, as amended by Supplement No. 7 to Express Classification for Canada No. 2, or of other classification or tariff conditions, rules, regulations on exception, relating to joint traffic, called on the Canadian Northern Express Company to justify the higher tolls the company was charging from points on the Central Ontario railway to Canadian and Dominion Express Companies' points than were formerly charged by the Canadian and Dominion Express Companies between the same points. The matter came before the full Board for consideration at a sittings held in Ottawa, April 16, 1912. The judgment of the Board was delivered by the Chief Commissioner as follows:

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"RE" CANADIAN NORTHERN EXPRESS COMPANY AND CENTRAL ONTARIO RAILWAY COMPANY.

The Chief Commissioner:

File No. 4214,215.

For many years the Dominion and Canadian Express Companies have both operated over the lines of the Central Ontario railway, and this gave the towns and villages along that line exceptional advantages, in that they had access to all points reached by these two companies without the disadvantages that exclusive offices labour under. Recently, the Canadian Northern Railway Company acquired the Central Ontario railway, and has furnished express service through the medium of the Canadian Northern Express Company, the Dominion and Canadian Express Companies withdrawing. This put the towns along that line of railway at the disadvantage of being exclusive offices of the Canadian Northern Express Company, and express traffic passing to and from the offices of the Canadian Northern Company upon this line of railway, and exclusive offices of the Dominion and Canadian Companies, now carries the sum of the locals, instead of enjoying the through rate of one company.

It was explained at the hearing that the Express Companies are now engaged in framing tariffs establishing joint through rates to and from all points in Canada; but as the amount of work involved is very large, it may be some time before these can be made effective.

A concrete example will show how traffic is affected:—

Under the former system a shipment of poultry from Picton to Ottawa of 185 pounds carried a charge of \$1.48. Now, by reason of this shipment being handled by the Canadian Northern Express Company to Trenton, and by the Canadian Express Company from Trenton to Ottawa, the charges are \$2.22, or an increase of 50 per cent. This arises by combining the local from Picton to Trenton, and the local from that point to Ottawa, as against the former single through rate between Picton and Ottawa.

It has been held both here and in the United States that traffic handled by two or more companies could well bear a heavier toll than when handled by one only, there being extra expense in transferring, way-billing, and the like; and the only thing the Board can do is to see that the joint express tariffs, when ready for submission, contain reasonable and proper reductions from the sum of the locals. We cannot compel the Dominion and Canadian Express Companies to operate over the line of the Central Ontario Railway Company. The people along that line enjoy the same express facilities that other towns, where only one express company operates, enjoy; except that, as the Canadian Northern Express Company has as yet but few offices in Ontario, there will, in the meantime, be more exclusive offices against these points than formerly; but as the Canadian Northern Railway Company extends its lines, this difficulty will gradually disappear. The above illustration of the shipment of poultry from Picton to Ottawa will be cured in a few months; when the Canadian Northern Railway Company completes its connection here, the old rate of the one company will at once become effective again.

The acquisition of the Central Ontario Railway Company by the Canadian Northern Railway Company was perfectly legal; the later company was entirely within its rights in establishing express service through its allied express company, and this necessarily compelled the other two express companies to withdraw from the field. This is a condition we cannot control. No hardship results so long as the new tolls are not excessive. The people along the line in question are naturally in a complaining mood; but they have for years enjoyed better facilities than are afforded at most places of greater size, and in a short time will be on a par with most other points outside of the larger cities.

April 17, 1912.

RE RATE ON PRESSED BRICK.

The Cadwell Sand and Gravel Company, of Windsor, Ontario, filed with the Board in March, 1912, a complaint against the freight rates charged by the railway companies on pressed brick from Bradford, Penn., U.S.A., to Windsor, Ont., alleging the former rate of \$1.60 per ton had been increased to \$2 per ton. The complaint was formerly heard at a sittings of the Board held in Toronto, April 30, 1912, in the presence of counsel for the interested parties, and subsequently the judgment of the Board was delivered by Commissioner McLean:—

COMPLAINT OF THE CADWELL SAND AND GRAVEL COMPANY, OF WINDSOR, ONTARIO.

File 19391.

Mr. Commissioner McLean:

Complaint was made on behalf of the Cadwell Sand and Gravel Company, by Mr. H. D. Drake, to the effect that where formerly the rate on pressed brick from Bradford, Pennsylvania, to Windsor, Ontario, was \$1.60 per ton, the rate is now \$2 per ton.

Mr. Hayes, on behalf of the Canadian Freight Association, stated that the increase in the rate was the outcome of the readjustment of rates in the United States contingent upon a decision of the Interstate Commerce Commission in the Metropolitan Brick Company *et al*, vs. Ann Arbor Railway Company *et al*, 17 I.C.C., 197. In this case, in which various cognate applications were joined, the Interstate Commerce Commission decided in substance that there is no transportation reason for making different rates on different grades of fire, building, and paving brick. This decision was rendered on November 26, 1909. Subsequently, the American railways realigned their rates on brick; the principle laid down as above by the Interstate Commerce Commission being accepted, and set forth in the phrase "a brick is a brick."

In the working out of the rates on brick it is stated that there were some reductions. These are not before us, and are not involved in the applications. It is admitted that there were increases. The present application is concerned with one of these.

The Cadwell Sand and Gravel Company has built up a business in pressed brick from Bradford. This business has been developing during the past four or five years, during which Windsor received the same rate, viz.: \$1.60 as was quoted to Detroit. Effective April 20, 1912, the B. R. and P. Railway Company put in its tariff C. R. C. No. 547, the effect of which was to increase a rate to Windsor from \$1.60 to \$2. In this tariff the Grand Trunk and the Michigan Central are involved as carriers reaching Windsor.

This application is one of the many in which matters of international railway interests are involved. It is patent that the number of cases in which the thorough regulation of a rate involves dealing with the rate of both the American and the Canadian carrier will steadily increase with the steadily increasing interrelation of the railway network of Canada and the United States. In the present instance two of the lines of carriage between the Buffalo gateway and the Detroit gateway pass through Canada. Formerly Windsor had the same rate as Detroit. Now as the result of the rate readjustment the Windsor rate is 40 cents in excess of the Detroit rate. In justification of this difference it was stated by Mr. Hayes that Detroit was a meeting place for brick for the competition of the bricks produced in Pennsylvania, and the bricks produced in Ohio, and that consequently, the rate for the brick from such a point as Bradford to Detroit was held down by the competition of the brick from Ohio.

Under the rate of \$1.60 existing before the introduction of this tariff, the Grand Trunk received as its proportion of the rate from Bradford to Windsor, 88 cents, thus leaving 72 cents to the United States carrier from Bradford to Buffalo. The distance

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from Bradford to Buffalo being some seventy-eight miles, the ton mile rate works out about .92 of one cent per ton per mile. Under the new rate of \$2 to Windsor, the Grand Trunk in this instance receives \$1.20 out of the rate; the result is that the Grand Trunk receives an increase of 32 cents in its proportion, while the B.R. and P. receives an increase of 8 cents in its proportion. The B.R. and P. under the new rate, has a ton mile of 1.02 cent, while the Grand Trunk receives a ton mile rate of .521 cents, as compared with a former ton mile rate of .38 cents.

With the reasons which lead to the rearrangement of the brick rates in the United States the Board is not concerned, except in so far as they do or do not afford a justification for the increase of rate on the movement into Canada. With the proportion of the rate from Bradford to Buffalo, the Board is not concerned since the B. R. and P. is not subject to the Board's jurisdiction. But while the Board has no jurisdiction over the B. R. and P., it has to recognize that with the concurrence of the Canadian carriers there has been an increase in the rate charged to the applicant during four or five years he has been engaged in business on the \$1.60 rate. Now there is an increase of 40 cents. So far as a portion of the increase is attributable to the increase in the proportion received by the B. R. and P., the Board has no jurisdiction. The carriers subject to the Board's jurisdiction, which participate in the haul from Buffalo to Windsor, must, however, justify the increase in their proportion, an increase of 32 cents. It is a well established principle of rate regulation that where a business has been built up relying upon a particular rate adjustment, an increase in this rate adjustment should not be made without amply sufficient reasons. While it must be recognized that the inter-relations between Canadian and American carriers create many difficult situations, and that in some readjustments at least the Canadian carriers may not be entirely free agents, what the Board must look to in the portion of the rate on an international shipment which is subject to its jurisdiction, is: Is the increase justified by conditions of the haul subject to its jurisdiction? The Board has not been given evidence to show that there is increase of cost of any kind which necessitates and warrants the increase of 32 cents before us, and in the absence of affirmative evidence that the increase is justifiable, the conclusion must be that the 88 cents division of the through rate which formerly prevailed should be re-established from Buffalo to Windsor by the Canadian railways as a proportional limited to brick ex-Bradford and Bradford rate points for furtherance.

While the Board has no jurisdiction over the rate from Bradford to Buffalo, it is informed that the full local to Buffalo is 80 cents, which will enable a through rate of \$1.68 to be built up. Further the proportional from Buffalo to Windsor should be the maximum to direct line points. The tariff putting this into effect should be filed within forty-five days from the issuance of the order making this judgment effective.

S. J. McLEAN.

J.M., H.L.D.

In pursuance of said judgment, the Board, on September 21, 1912, issued the following order:—

Order No. 17552.

Upon the hearing of the application at the sittings of the Board held in the city of Toronto on April 30, 1912, the applicants and the Canadian Freight Association being represented at the hearing, and what was alleged; and upon its appearing that the Grand Trunk Railway Company will receive an additional 32 cents per ton as its proportion of the increased rate to \$2 per ton—

It is ordered that the proportion, namely 88 cents per ton, which accrued to the Grand Trunk Railway Company as its percentage division of the joint rate of \$1.60

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per ton charged from Bradford, Pennsylvania, to Windsor, Ontario, prior to April 20, 1912, be restored by the Grand Trunk Railway Company, within forty-five days from the date of this order, as a proportional rate from Buffalo to Windsor, Ontario, and as the maximum proportional to intermediate Grand Trunk Railway points, limited to brick shipped from Bradford and Bradford rate points destined to Windsor and the said intermediate points.

H. L. DRAYTON, K.C.,

Chief Commissioner.

On October 16, 1912, the Board issued a further order (Order No. 17781) postponing the effective date of order No. 17552 until a rehearing could be had; the Grand Trunk Railway Company having in the meantime made an application for a rehearing, this application of the Grand Trunk Railway Company was subsequently heard on January 21, 1913, and on March 25, 1913, the judgment of the Board was delivered by Commissioner McLean, concurred in by the Chief Commissioner and Commissioners Mills and Goodeve:—

Mr. Commissioner McLean:

On the original hearing of this complaint, the only matter at issue was the increased rate on pressed brick from Bradford, Pennsylvania, to Windsor, Ontario.

The decision as given in the original hearing was based on the procedure which had been adopted by the Board in respect to the onus in the matter of reasonableness. In effect, the decision as rendered was a non-suit so far as the railway was concerned. The Board has laid down in various decisions that where a rate which had been for some time in force was increased, the burden of proving that such increase was reasonable was on the railway; it being held that a rate established in the first instance by a railway of its own volition was presumptively reasonable; and that it was incumbent on the railway, if such initial rate was reasonable, to show with reasonable conclusiveness what changed conditions or increase in cost of operation justified the advance of the rate. The Board, it is true, had on various occasions expressed opinions somewhat at variance with this. In dealing with the question of joint switching rates in Toronto, Chief Commissioner Killam used the following words: "It does not appear to me that the railway companies are bound to make an exception in the case of Toronto, or that because of their having thus mutually absorbed these charges for a considerable length of time they must necessarily continue to do so forever. The whole question is one of reasonableness, and while the continuance of the practice affords evidence of its reasonableness, it is not conclusive."—*Canadian Manufacturers' Association v. Canadian Freight Association*, 7 Can. Ry. Cas., pp. 307, 308.

The same position was followed by the Board in *Laidlaw Lumber Co. v. Grand Trunk Ry.*, 8 Can. Ry. Cas., p. 194, and in *Montreal Produce Merchants' Association v. Grand Trunk Ry. and Canadian Pacific Ry. Companies*, 9 Can. Ry. Cas., p. 235.

The railways have continuously urged before the Board that while there have been increases in general cost of operation, it is not possible to analyze these increases so as to show in detail how they affect each particular commodity moved, and whether each commodity moved participates in the increased cost of movement in greater or lesser degree. Undoubtedly the railways, in common with other portions of the public, have felt the effect of the steadily upward movement of the price curve, a movement which has been so practically continuous in one direction that the curve is now virtually tangent. In effect, the decision in the Pulpwood case is that while the continuance of the particular rate may raise a presumption of fact as to the unreasonableness of the increased rate, there is no presumption of law which must be rebutted. In dealing with an analogous situation, the Supreme Court of the United States has said:—

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"Undoubtedly, where rates are changed the carrier making the change must be able to give a good reason therefor; but the mere fact that a rate has been raised carries with it no presumption that it was not rightfully done."—*Interstate Commerce Commission v. Chicago Great Western Ry. Co.*, 209, U.S., p. 118.

The Board had dealt with the onus as to reasonableness in the Pendor group of cases and in the Davy Case.

Complaint of James Pendor & Co., St. John, N.B., respecting rates on iron goods from St. John, N.B., to points on the Quebec Central Railway.—File 10720.

Complaint of the Portland Rolling Mills, Ltd., of St. John, N.B., against the rates charged on bar iron and nails from St. John, N.B., to Quebec Central Railway points.—File 10720-1.

Complaint of the Maritime Nail Company, Ltd., against the rates charged on bar iron and nails from St. John, N.B., to Quebec Central Railway points.—File 10720-2.

Davy v. N. St. C. & T. Ry. Co., 9 Can. Ry. Cas., 493.

In these cases the onus being placed on the railway, it was required that the information as to changed conditions and cost should be as to the particular commodity on which the rate increased had been made.

Now, while the onus still remains, the effect of the Board's judgment in *International Paper Co. et al v. G. T. R. Co. et al* is that the Board has a wider discretion. This judgment in effect sets out that not particular cost alone or conditions peculiar to that particular commodity, but all material conditions and costs, including therewith comparison of rates, may be given such weight as seems reasonable to the Board. It follows that for this purpose all tariffs on file with the Board, whether referred to in the record or not, are part of the record.

The present re-hearing must be dealt with in the line of the principles which the above mentioned case had developed.

In the application for a re-hearing, the railways stated that while the original application had dealt simply with the question of increase of a particular rate, the change in rate was the outcome of the adoption of a new rate scheme in regard to bricks, in which while there were some upward movements, there were other downward movements. They plead in effect that the rate situation in respect of the brick movements should be looked at from the standpoint of the rate scheme, not from the standpoint of a particular rate.

In the original hearing, much had been made of the decision in the United States, in which the Interstate Commission had directed that identical rates should be given on fire brick, paving brick, and building brick. This decision is spoken of in railway circles as meaning that "a brick is a brick." It was shown in the re-hearing that whatever the pertinacity of this phrase may be as a determining factor in the reasonableness of rates on brick in the United States, it has no necessary connection whatever with what has been done in Canada by the railways, and that the railways have acted entirely of their own volition.

The railways having urged that the general effect, not the effect of a particular rate, should be considered, they were permitted to file statements showing the nature of the brick movement to various representative points, the earnings on these movements at the new rates, and the earnings on the old rates. These statements are now before the Board. They cover movements to Toronto, Oshawa, Hamilton, Midland, London, Brantford, Windsor, and Guelph, Ont., from points of origin in the United States. Of these points of origin, eight are located in Ohio, viz., Nelsonville, Canton, Cleveland, Delaware, Portsmouth, Wadsworth, Marietta, and Strasburgh; six are

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located in Pennsylvania, viz., Emery, Lewis Run, Rochester, Bradford, St. Marys, and Karthaus; two are located in Kentucky, viz., Ashland and Haldeman and one in Michigan, viz., Detroit. These returns cover the movements of fire brick, paving brick, and building brick for a period from June 1 to November 30, 1912, over the Grand Trunk Railway system, the Michigan Central, the Toronto, Hamilton and Buffalo, and the Canadian Pacific Railways. These cover a total movement of 761 cars, subdivided as follows: Fire brick, 578; building brick, 120; paving brick, 63. The statements presented do not cover the Wabash and Père Marquette movements. The Wabash did not move any cars of brick from the United States to any of the points mentioned during the period in question, while the Père Marquette moved 46 cars to Chatham and Walkerville. Six of these were from Detroit, six from Ohio and Kentucky points, and the remainder from New York and Pennsylvania. The Père Marquette figures do not appear to be very material.

An analysis of the summary of earnings for the six months' period shows a net decrease of revenue, as a result of the arrangement, of \$1,988.88. The figures as submitted showed a decrease of \$2,122.87. But some portion of the decrease as thus given is due to the fact that in particular cases there is now a through rate, where formerly the only rate combination available was the sum of the locals. This of necessity adds to the percentage decrease. Where the old rate was the sum of the locals this would not be characteristic, as where there was a choice by another route at a through rate there would not be any considerable movement on the sum of the locals. An attempt has been made in checking the summary to make allowance for this. The following summary gives the summary detail as to increases and decreases, both in gross amount and per ton:—

FIRE BRICK.

—	Pounds.	Decrease.	Increase.	Per cent of Total Movement.
		\$ cts.	\$ cts.	
G. T. R.	19,540,907	1,854 18		
M. C. R. & T. H. & B.	11,814,965	259 94		
C. P. R.	2,435,100	159 83		
	33,790,972	2,273 95		

Decrease per ton, 13.4 cents.

BUILDING BRICK.

—	Pounds.	Decrease.	Increase.	Per cent of Total Movement.
		\$ cts.	\$ cts.	
G. T. R.	4,130,550		205 90	
M. C. R. & T. H. & B.	178,500		14 60	
C. P. R.	3,152,060	9 64		
	7,461,110		Net 210 86	16.2

Increase per ton, 5.6 cents.

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PAVING BRICK.

	Pounds.	Decrease.	Increase.	Per cent of Total Movement.
		\$ cts.	\$ cts.	
G. T. R.	2,351,700	34 98		
M. C. R. & T. H. & B.	270,000		43 50	
C. P. R.	1,904,600		65 79	
	4,526,300	Net	74 31	9.8

Increase per ton, 3.2 cents.

The figures of the importations of brick into Canada during the year 1912 via Detroit, Port Huron, Black Rock and Suspension Bridge, amounted to 83,281,085 bricks, valued at \$1,006,091. The returns as given for the six months' period deal with 45,778,382 pound weight of brick. As the United States Customs returns are for quantity, not for weight, no percentage comparison can be made.

The total movement of brick to Windsor during the six months' period was 79 cars, made up as follows: Paving brick, 2; building brick, 67; fire brick, 10. A further analysis shows that the building brick, which is the gravamen of the Cadwell Company's complaint, is subdivided as to car movement and sources of supply as follows: Detroit, 21; Ohio, 25; Pennsylvania, 21.

There are two points in the application of the Cadwell Sand and Gravel Company: (1) the increase of rate to Windsor is unjustified. (2) Windsor should have the same rate as Detroit, viz., \$1.60. The \$1.60 rate is fixed by the commercial competition of the Ohio brick plants, which are a shorter distance from Detroit than are the Pennsylvania plants. Under these conditions of trade competition, the rate from the Ohio fields fixes the maximum which brick from the Pennsylvania field can pay. It holds down the Pennsylvania-Detroit rate below the point which it might fairly be expected to pay on mileage. The \$1.60 rate being concerned with the condition of market competition at Detroit, which does not exist at Windsor, therefore does not afford a measure of the Windsor rate.

The rate to Windsor remains to be considered.

A summary of the six months' statistics already referred to may be put in condensed form in the following table:—

Railway.	Kind of Brick.	Average Weight per Car.	Average Earnings per Car.
		Lbs.	\$ cts.
C. P. R.	Paving.....	63,153	83 85
"	Building.....	63,043	50 82
"	Fire	62,438	75 30
M. C. & T. H. & B.	Paving.....	67,500	83 37
"	Building.....	44,625	46 50
"	Fire	59,366	60 84
G. T. R.	Paving.....	81,693	112 12
"	Building.....	62,659	57 87
"	Fire	57,473	67 87

It will be noted that in general the building brick, included in which is pressed brick, loads to a lighter weight per car than the other kinds of brick, and returns smaller earnings per car. The weights and earnings on the building brick movements

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to Windsor show variations in point of weight and point of earnings as between the different lines:—

Railway.	Average Weight per Car.	Average Earnings per Car.
	Lbs.	\$ cts.
C. P. R.	73,250	67 96
M. C. & T. H. & B.	42,833	41 83
G. T. R.	61,983	55 39

There is no movement of building brick by the Canadian Pacific railway to Windsor during the six months' period from Pennsylvania points taking the Bradford rate, viz., \$2. For the G.T.R. and the M.C.R. and T.H. and B. the following detail may be expected:—

Railway.	Ex.	Cars.	Loaded Weight.
			Lbs.
G. T. R.	Rochester, Pa.	1	55,000
"	Lewis Run, Pa.	15	858,300
"	Bradford, Pa.	2	143,000
		18	1,056,300
M. C. R. & T. H. & B.	Emery, Pa.	2	86,000
"	Lewis Run, Pa.	1	42,500
		3	128,500

This gives an average loaded weight from these points via the G.T.R. of 58,683 pounds and via the M.C.R. and T.H. and B. of 42,833 pounds. The weight via the G.T.R., which equals 29.3 tons per car, may be taken in order to measure the earnings. The average receipts at \$2 per ton work out \$58.68 per car. Out of the \$2 rate from Bradford to Windsor, the Grand Trunk receives \$1.20 per ton, or \$35.34 per car. The distance from Buffalo to Windsor, on which the Grand Trunk earns \$1.20, is 230 miles, that is to say, on this haul its earnings per car mile are 15 $\frac{2}{3}$ cents. Under the old proportional of 85 cents per ton, the Grand Trunk earned .386 cents per ton mile. Under the new proportional of \$1.20, it would earn .521 cents per ton mile.

Comparison with other rates is of interest. The rate from Bridgeburg to Windsor, a distance of some five miles shorter than from Buffalo to Windsor, is on the standard tenth class, 10 cents per 100 pounds weight, which works out 1.03 cents per ton mile. The special town tariff tenth-class is 11 cents per 100 pounds, which works out .982 cents per ton mile. The special mileage brick tariff is 9 $\frac{1}{2}$ cents per 100 pounds, which works out .848 cents per ton mile. Under the brick tariffs which are being considered, the rate from Black Rock to Montreal, via Grand Trunk, is \$2.05, or a ton mile rate of .473. To Ottawa, via the M.C.R. and T. H. and B., and C.P.R., there is the same rate, the ton mile rate working out .5923. To St. John, N.B., via the M.C.R. and T.H. and B., and the C.P.R., the rate is \$4.80 per ton. The distance is 905 miles and the ton mile rate is .5303 cents. Comparison may also be made with the rate on pressed brick from Toronto to Ottawa and Montreal. The rate is blanketed to both points at \$1.80. Ottawa is a distance of 256 miles and Montreal 384. The ton mile rate works out .703 and .54 cents.

It has been submitted in evidence before the Board in the matter of rates on quarried stone that one-half cent per ton mile is the lowest rate on that commodity.—*Doolittle and Wilcox vs. G.T.R. and C.P.R. Cos., 8 Can. Ry. Cas., 11.*

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Stone is a tenth class commodity. It was at the same time submitted by the applicants that the rate should be made up of this one-half cent per ton time for movement expenses plus a terminal charge of 25 cents per ton on the shorter hauls and a lesser terminal charge on the longer hauls. It was held in this case that this procedure was defective in that it did not recognize that terminal cost entered both into the loading on the cars and the unloading therefrom. Computations which have been made in the United States place average terminal costs for loading and unloading at 25 cents per ton at each end of the line. This was the figure of transshipment cost on large movements of grain at Depot Harbour on the Parry Sound Railway. If brick were given a ton mile rate of one-half cent, plus a terminal charge of 25 cents per ton at each end of the route, the Bradford-Windsor rate would be \$1.55 plus 50 cents, or \$2.05 per ton.

Reference has been made to the special mileage brick tariff from Bridgeburg to Windsor. In the absence of evidence as to there being an actual movement over the whole of this distance on this tariff, a comparison may be made with a low grade commodity which does move. Brick and coal are both tenth-class in the Canadian Classification, and usually move on commodity rates. Pressed brick from Bradford averages 6 pounds per brick. This brick, which sells at from \$22 to \$26 per 1,000 is, therefore, worth from \$7.33 to \$8.66 per ton. Bituminous coal is of lower value than the pressed brick in question.

From Buffalo to Windsor, the rate on bituminous coal per net ton is \$1 and on anthracite 90 cents, which figure out ton mile rates of .434 cents and .391 cents per ton mile. The following table puts the ton mile earnings in summary form:—

Brick, old proportional of 88 cents.. . . .	.386 cents per ton mile.
Coal, bituminous.. . . .	.434 " "
Coal, anthracite.. . . .	.391 " "
Brick, new proportional of \$1.20.. . . .	.521 " "

The earnings per car mile on brick have been given. Coal moves in 50-ton cars, giving earnings per car from Buffalo to Windsor, as follows: Bituminous coal, \$50; anthracite, \$45. Put in summary form, the car mile earnings are as follows:—

Bituminous coal.. . . .	20.15 cents per car mile.
Anthracite coal.. . . .	17.4 " "
Brick, (new proportional).. . . .	15.3 " "

It is to be recognized that the moving volume is a factor in the determination of the rate. The statistical returns published by the Department of Railways and Canals bulk cement, brick, and lime; and so it is impossible to make any exact comparison of the total brick movement with the total coal movement. Subject to this modification, the tonnage movement over the Grand Trunk for the year ending June 30, 1912, was as follows:—

Anthracite coal.. . . .	2,047,314 tons.
Bituminous coal.. . . .	2,440,302 "
Cement, brick, and lime.. . . .	898,242 "

After due consideration of the new rate system on brick as tested by the figures which have been analysed, and also after consideration of the different sources from which the brick moves into Canada and the earnings thereon per car mile and per ton mile, I am of opinion that the rates charged are not unreasonable.

S. J. McLEAN.

I agree.

H. L. D.

J. M.

A. S. G.

March 25, 1913.

In pursuance of this judgment, a further order was issued directing that the increased rate on pressed brick from Bradford, Penn., to Windsor, Ont., from \$1.60 to \$2 per ton, be approved, and rescinding orders of the Board No. 17,552, dated September 25, 1912, and No. 17,781, dated October 16, 1912.

UNIFORM RULES GOVERNING THE DETERMINATION OF VISUAL ACUITY, COLOUR PERCEPTION AND HEARING OF RAILWAY EMPLOYEES ON STEAM RAILWAYS.

The consideration of the question of a uniform code of regulations governing the testing of hearing and eye-sight of railway employees is one that has engaged for some time the consideration of the Board and the Board's chief operating officer. A full discussion of the matter was had at a sittings of the Board held on the 3rd of October, 1911, in Ottawa, when judgment was reserved. Subsequently the judgment of the Board was delivered by the Assistant Chief Commissioner on the 28th of June, 1912, as follows:—

The Assistant Chief Commissioner:

On November 9, 1910, the Board issued Order No. 12225 which, among other things, required that certain employees on train and engine service should undergo an eye and ear test before a competent examiner. The railway companies under the jurisdiction of the Board do not interpret those provisions of the order in the same manner, and a question has arisen as to whether the examination of the seeing and hearing of employees should take place indoors or out in the open, under conditions as they would get them in actual employment on the railway.

The matter was discussed at length before the Board on the 3rd October last, and judgment was reserved. Representatives of different companies had submitted a majority and a minority report in connection with the matter, and the Board has had the benefit of a very carefully prepared report from its chief operating officer. A majority of the railway companies desire to have an indoor test only, both for those seeking employment in the railway service for the first time, and those already in the employ of the company who must pass a satisfactory test in order to retain their positions, or be promoted.

The minority report of the railway companies, which is practically endorsed by the employees' representatives, recommends the indoor test under certain conditions. Undoubtedly the indoor test is more convenient for the railway officials and more accurate than the outdoor test, and in some respects a more definite standard of seeing and hearing can be established by it. The outdoor, or field test, is a difficult one to submit a man to on all occasions owing to the changeable conditions of the weather, atmosphere, etc., but under favourable circumstances it is, I think, by far the more satisfactory test, especially for a man who has had experience in railway service.

I think, therefore, that we might lay down the following general principles to govern in this matter:—

1st.—No person shall be employed in railway service until he has passed the indoor test satisfactorily.

2nd.—Any employee going up for a periodical examination or an examination for promotion, shall be examined by the indoor test; and in case he fails to pass the indoor test satisfactorily, he shall be given an outdoor test, according to the uniform rules submitted herewith; and in such case the latter shall be taken as the governing test; and, during the outdoor examination the candidate shall be permitted to wear glasses, as provided for in the said rules, if he wishes to do so.

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For the purposes of this memorandum, promotion means going from fireman to engineer, or from trainman to conductor; but it does not mean a change from freight service to passenger service, without a change of rank, such as a freight engineer being made a passenger engineer, or a freight conductor being made a passenger conductor.

As to the wearing of glasses while on duty, I think any employee who requires to use glasses should be encouraged to do so, but he should be required always to carry a duplicate pair of glasses with him lest an accident may happen to those he is wearing.

There are a number of details respecting the method and character of both the indoor and outdoor tests to which Mr. Nixon, our chief operating officer, has given careful consideration. He has submitted a code of rules on standards of visual acuity which is attached hereto, and which he recommends for the approval of the Board as uniform rules governing the determination of visual acuity, colour perception, and hearing of employees, on steam railways. I think the Board should adopt these rules as its standard.

D'ARCY SCOTT.

I agree, S. J. McL., J. M.

OTTAWA, June 28, 1912.

Pursuant to this judgment the Board on the 24th of July, 1912, issued the following order:—

Order 17,211.

In pursuance of the powers vested in it under sections 30 and 269 of the Railway Act, and of all other powers possessed by the Board in that behalf; upon the hearing of the matter at the sittings of the Board held in the city of Ottawa on the 3rd day of October, 1911, the railway companies and railway employees being represented at the hearing, the evidence offered, and what was alleged; upon the reading of the representations filed on behalf of the parties interested and upon the report and recommendation of the chief operating officer of the board—

It is ordered, that the railway companies subject to the jurisdiction of the Board adopt and put into force, not later than the first day of November, 1912, the rules set forth in the schedule hereto annexed under the heading: "Uniform rules governing the determination of visual acuity, colour perception, and hearing of railway employees on steam railways."

D'ARCY SCOTT,
Assistant Chief Commissioner.

UNIFORM RULES GOVERNING THE DETERMINATION OF VISUAL ACUITY, COLOUR PERCEPTION,
AND HEARING OF RAILWAY EMPLOYEES.

1. Each person selected to make examinations must first pass the examination under a qualified oculist designated by the company, such oculist to then instruct candidates on the use of the instruments requisite for such examination and certify to candidates' qualifications as an examiner.

2. Each examiner shall be provided with:—

(a) A set of Snellens test types with at least three cards of each size of letters shown in different combinations (a single line on each card) for testing acuteness of vision.

(b) An American Railway Association standard reading card for testing near vision.

(c) A Holmgren or Thompson colour-selection test and instructions for use of the same.

(d) A "Williams" Lantern, or one similarly constructed, and instructions for use of same.

(e) A pair of spectacles, or shade, for testing each eye separately.

(f) A triple grooved trial frame with one pair of plus two diopter lenses, one pair of plus one diopter lenses, and one pair of plain glass roundels.

(g) Blank forms for examinations and certificates.

3. Examinations shall be conducted in a well-lighted room or car in which a distance of twenty feet can be measured from test type, or face of lantern, to candidate; shades or curtains shall be provided in order to darken room or car, for lantern test.

4. In testing vision, colour perception, and hearing, only those concerned in such test other than the examiner and candidate shall be permitted to be present.

5. (a) The result of each examination must be shown in duplicate on the prescribed form, one copy to be preserved for reference by the examiners, the other to be forwarded to the division superintendent for inspection record and file.

(b) Those charged with the duty of making examinations on each division must keep proper check to ensure re-examination of all employees when due, and must see that all employees who should be examined by an expert oculist under the rules, are required to take such examinations promptly, and that all glasses to be used by employees are sent to the oculist for approval as per rule 13.

(c) Examiners will issue to each person who passes a satisfactory examination a certificate to that effect, and will, if desired, furnish employees who fail to pass a written statement of their rating and cause of failure.

(d) Division superintendent must report to the* all cases wherein an employee should be examined by committee, or appears to be disqualified, giving full information as to result of examination.

(e) Oculists or experts will report result of their examinations to the division superintendent.

6. All persons desiring to enter the service (applicants) must take entrance examination without the use of glasses for distant vision, excepting class E.

7. Applicants for entrance to service as enginemen, firemen, trainmen or brakemen, shall not be accepted if they have to use glasses for near vision. Applicants for other positions and employees in all branches of the service may use glasses for near vision when undergoing examination.

8. When the distant vision of an employee can be improved by the aid of glasses he should wear them.

9. All employees who require the aid of glasses for distant vision must wear them at all times when on duty and must carry a duplicate pair for use in emergency and will be examined with each pair.

10. All employees excepting those indoors who are permitted to wear glasses for distant vision while on duty must use the spectacle or automobile goggle form.

11. Automobile goggles fitted with glass for protection of the eyes may be used by employees in engine or freight train service.

12. The use of amber glasses by firemen as a guard against temporary fire blindness shall be permitted and should be encouraged.

13. Glasses of all kinds must be approved by an oculist designated by the company.

14. Applicants having a squint, or who are cross-eyed shall not be accepted. Examiners who suspect a case of double vision should use some simple test to determine its presence.

15. Enginemen who have less than 20-30 vision in either eye, without glasses, must be examined by a qualified oculist designated by the company.

*To be filled by each road to suit its own requirements.

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16. Enginemen in class A who fail to reach required standard must be examined by a committee of two appointed by the * and upon recommendation of this committee they may be permitted to wear glasses provided their combined vision can be brought to 20-20; committee to recommend the service to which they may be assigned.

17. Enginemen in class B whose vision without glasses is less than 20-50, and either eye less than 20-70, or nil, must be examined by a committee of two, appointed by the * and if vision by the aid of glasses can be brought to 20-30 must wear glasses; committee to recommend service to which they be assigned. See rules 15 and 18.

18. Enginemen having 20-20 vision in one eye and less than 20-70, or nil, in the other, must be examined by a committee of two appointed by the * committee to recommend the service to which they may be assigned.

19. Where promotion standard is not specified, employees applying for transfer from one kind of service to another, or being promoted, must pass entrance examination of class they desire to enter, except that those who have been injured in service, or who have been in continuous service for at least two years, may be transferred to positions of hostlers, switch tenders, and crossing flagmen; also from one position to another under class E upon passing the respective re-examination standards.

20. An employee in class C. D. E or F who has been in continuous service for a period of not less than fifteen years, and who, through diminution of vision or muscular imbalance, fails to reach required standard will be considered satisfactory if his acuteness of vision, with or without glasses, reaches the maximum standard specified for the class of service in which he is employed.

21. The test type should be in good light, the bottom of the card about on a level with the eye. Place the candidate twenty feet from the card, and ask him to read the type with both eyes open, then cover one of his eyes with a card, or shade, held firmly against the nose, taking care not to let it press against the eye ball, and instruct him to read with the other eye such type as may be indicated. Each eye shall be tested separately.

(a) Examiners are reminded that the normal-eyed should read the twenty-foot (or 6 meter) letters at 20 feet, in which case the visual power should be expressed by the fraction 20-20. Should a candidate be unable to read the 20-foot letters, at 20 feet but be able to read the 30-foot letters the result would be indicated by the fraction 20-30. If he can only read the 40-foot letters, record should be 20-40, &c.

(b) The candidate as provided in rule No. 7, must be able to read the print in paragraph No. 2 of the standard card at a distance of from fourteen to eighteen inches, to pass the test. Further tests should be made by having the candidate read written train orders.

22. Applicants for entrance to service in classes A and C will undergo additional test to ascertain if far-sighted to the extent of two diopters. Examiners will use combinations in trial frames representing plane and convex lenses, varying the test so that the candidate's former experience, or knowledge obtained from others, may be valueless. If an applicant reads without difficulty the 20-foot letters at 20 feet through convex lenses of 2D he will be considered satisfactory.

23. Examiners shall adhere to instructions laid down by Holmgren or Thompson in using colour-selection test, and shall examine the colour sense of each eye separately. Further examination shall be made with Williams lantern, or one similarly constructed in the manner specified by Dr. Williams.

24. No applicant shall be accepted into the service and no employee retained in any of the classes specified in following standards who has defective colour sense,

25. No employee shall be disqualified from service by reason of defective colour sense without an examination by an oculist designated by the company.

* To be filled in by each road to suit its own requirements.

26. In examination of hearing (which shall be with human voice) each ear shall be tested separately and the candidate should not see the movements of the examiners' lips.

27. Applicants for entrance to service must be able to hear and repeat an ordinary conversation or names and numbers spoken in a conversational tone, at a distance of 20 feet, in which case the hearing should be expressed by the fraction 20-20. When conversation can be heard at only ten feet, the hearing should be expressed by the fraction 10-20.

28. Employees will not be retained in the service if hearing is less than 15-20 in one ear, and 5-20 in the other; or less than 10-20 in each ear.

29. Employees included in the standards of vision must be re-examined as follows:—

(a) All classes every two years.

(b) Employees in engine, train or yard service who wear glasses for distant vision, enginemmen having less than 20-30 vision in either eye and other employees who have less than 20-70 vision in either eye must be re-examined annually.

(c) After any accident in which they are concerned which may have been caused by defective vision, colour sense, or hearing.

(d) After any serious accident or illness or severe inflammation of the eye or eyelids.

(e) Before promotion. This does not mean that a freight conductor should be examined previous to his appointment as passenger conductor, or engineer in freight service previous to appointment in passenger service, but that freight brakemen shall be examined before being promoted to freight conductor, and firemen being promoted to engineer.

(f) Employees with hearing less than 20-20 in either ear must be examined semi-annually.

(g) For an individual employee at such periods as may be designated by the company's chief medical officer.

.. 30. (a) Employees in classes A and B who are examined by a committee shall be given an outside or field test. A bracket pole with two dolls or two straight poles (spaced the same distance as dolls on the standard bracket pole) carrying four standard semaphore arms and lights will be used. A clear sky background, tests to be made standing.

(b) In making the tests candidates shall approach the signals from a point where they are unable to see them, and not be credited with being able to read signals unless they can promptly call changes as made in position of arms and colour of lights.

(c) The test with and without glasses shall be made at distances varying from 5,000 to 200 feet.

(d) Committee to record the different distances at which the employee being examined can promptly see the signals, and shall forward this information, together with their recommendations as to this service to which he may be assigned, to the*.

*To be filled in by each road to suit its own requirements.

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STANDARDS OF VISUAL ACUITY.

INDOOR TESTS.

Class.	Entrance to Service.	Promotion.	Re-examination.
<i>Class A.</i>			
Enginemen, road service hostlers, who run on main track.	20-20 combined not less than 20-30 in either eye without glasses. Must not accept a plus 2D lens.	20-20 combined, and not less than 20-40 in either eye without glasses.	20-20 combined, not less than 20-70 in either eye; or 20-30 combined, not less than 20-40 in either eye without glasses. See rules 8, 15, 16 and 18.
<i>Class B.</i>			
Enginemen, yard service hostlers, who do not run on main track.			20-30 combined not less than 20-50 in either eye without glasses. When combined vision without glasses is not less than 20-50 and neither eye less than 20-70, and by the aid of glasses combined vision can be brought to not less than 20-30, enginemen must wear glasses. See rules 8, 9, 10, 13, 15, 17 and 18.
<i>Class C.</i>			
Firemen, trainmen, freight brakemen, yard brakemen, switch tenders.	20-20 combined, and in each eye tested separately without glasses. Must not accept a plus 2D lens.	20-30 combined, not less than 20-40 in either eye without glasses.	20-30 combined, not less than 20-40 in either eye with or without glasses providing neither eye is less than 20-70 without glasses; or 20-20 in one eye and less than 20-70 or nil in the other without glasses.
<i>Class D.</i>			
Passenger conductors, freight conductors, yardmasters, yard conductors, train baggagemen.	20-20 combined, not less than 20-30 in either eye without glasses.	20-30 combined, not less than 20-40 in either eye without glasses.	20-40 combined, not less than 20-50 in either eye with or without glasses; or 20-30 combined, not less than 20-70 in either eye, with or without glasses; or 20-20 in one eye and less than 20-70 or nil in the other without glasses.
<i>Class E.</i>			
Station agents, telegraph operators, signal foremen, signalmen, bridgeforemen, trackforemen, draw-bridge tenders, car and engine inspectors.	20-30 combined, not less than 20-40 in either eye with or without glasses.	See rule 19.	20-30 combined, not less than 20-70 in either eye with or without glasses; or 20-30 in one eye, and less than 20-70 or nil in the other without glasses.
<i>Class F.</i>			
Crossing flagmen, and gatemen.	20-40 combined, or not less than 20-50 in either eye without glasses.	See rule 19.	20-50 combined, not less than 20-70 in either eye with or without glasses; or 20-40 in one eye and less than 20-70 or nil in the other without glasses.

FIELD TESTS.

Class.		Without Glasses.	With Glasses.
<i>Class A.</i>			
Enginemmen, road service.	By day, sunlight. Or by day if		
	cloudy with clear atmosphere.		
	By night	200, 400 and 2,600 feet.	200, 400 and 5,000 feet.
		200, 400 and 2,000 feet.	200, 400 and 4,000 feet.
		200, 400 and 2,000 feet.	200, 400 and 4,000 feet.
<i>Class B.</i>			
Enginemmen, yard service.	By day or night	200, 400 and 800 feet.	200, 400 and 2,600 feet.

COMMODITY RATES ON WIRE FENCING.

An application was filed with the Board by the Montreal Board of Trade under section 315 of the Railway Act, for an order directing the Grand Trunk Railway Company and Canadian Pacific Railway Company to equalize their rates on wire fencing and netting, also staple and wire goods C.L. from Montreal to Ontario points, on a basis similar to that prescribed by order No. 6844, dated April 6, 1909, in the application of the Canadian Freight Association. The application was heard at a sittings of the Board in Ottawa, on November 5, 1912. Judgment of the Board was delivered by the Assistant Chief Commissioner as follows:—

Assistant Chief Commissioner:

Before dealing with the merits of this application, it might be well to point out briefly the history of wire fencing rates in Ontario for some years back. After order No. 3258, in what was called the International Rates case, was issued by the Board, the Canadian Freight Association through its advisory committee pointed out to the Board that the lowering of the class rates brought about by the decision of the Board in the International Rates case had the effect of making the fifth-class rates lower in some instances than the existing commodity rates on wire fencing, and asked the Board's permission to cancel the commodity rates with certain exceptions. As a result of that application, order No. 6844, of the 6th of April, 1909, was issued. The rates fixed by that order are found in G.T.R.-C.R.C. E-2548, C.P.R.-C.R.C. E-2124. These tariffs provide rates out of Toronto, Hamilton, Woodstock, Walkerville and Windsor. At the time those rates were fixed no wire fencing was manufactured in Montreal, and therefore possible shipments from that point were not considered.

Some years ago the manufacture of wire fencing by the Steel Company of Canada was commenced at Dominion, a suburb of Montreal, and an application was made to the railway companies for rates lower than fifth-class for wire fencing out of Montreal.

In a letter, dated March 4th last, from Mr. Hayes, the then chairman of the advisory committee of the Canadian Freight Association, an application was made to the Board for the revision of order No. 6844, which fixed commodity rates on wire fencing from the Ontario points above mentioned so that the fifth-class rates would become applicable on all movements of wire fencing in Ontario. This application was made because the railway companies realized that with the establishment of a wire fencing manufacturing plant near Montreal some change in the rates was necessary. When that application came before the Board it was made to appear that the rate from Windsor to Montreal of 22 cents was the same as the rate on plain wire and barbed wire from Pittsburg to Montreal, and that both barbed and plain wire entered

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this country free of duty. Evidence was also given to show that the price of the wire fencing had been materially reduced within the past ten years, and that during that time the volume of the movement of wire fencing had very much increased. With these facts before it the Board dismissed the railway companies' application, but no reasons for judgment were given.

We now have the present application for a reduction in the rates from Montreal westward. It cannot be denied that with wire fencing moving from Ontario points of manufacture eastward on commodity rates, and wire fencing manufactured in Montreal moving westward on the fifth-class rates which are on a higher basis than the commodity rates, that the Montreal manufacturer is unjustly discriminated against.

The railway companies realizing the position of affairs have offered to make the following reduction in their rates:—

“That westbound rates should be published from Montreal on the basis of the eastbound rates to Montreal, as follows:—

To Sarnia, Walkerville.	22 cents.
Woodstock.	21 cents.
Hamilton, Toronto.	18½ cents.

“These rates to be applied as maximum to intermediate points on the direct lines, and the rates to all points in the territory west of Toronto, south of the main line of the Grand Trunk Toronto to Sarnia, to be adjusted in fair relationship to the above-mentioned points.”

This is agreeable to the applicant in so far as it goes, but the Board of Trade asks in addition that it be granted a reduction in the rates below the fifth class to points on branch lines north of the main line of the Canadian Pacific railway from Montreal to Toronto, and north of the main line of the Grand Trunk from Toronto to Sarnia, where the commodity rates which have been given the western manufacturers do not apply. I do not think this feature of the application should be granted. The Board is striving to do away with the undue preference which western manufacturers have over Montreal. This preference does not exist in localities such as those mentioned where the commodity rates do not apply. We are not dealing with the reasonableness of the rates *per se*, but with the undue discrimination against Montreal. There is no undue discrimination where both parties are subject to the fifth class rates.

The Board of Trade also asks for a reduction in the fifth class rate out of Montreal to points west thereof. As far as the territory immediately west of Montreal is concerned, there is no necessity for the Board's intervention because of the shortness of the haul gives the Montreal manufacturer a substantial advantage; but with regard to points further west, some rearrangement will have to be made.

If the Sarnia and Walkerville rates on the one hand and the Montreal rate on the other are to be put on a parity in respect of the shipments involved, then the rates between Montreal and Toronto should be scaled on substantially the same basis as is used in scaling east of Toronto to Montreal. I use the word “substantially” because, as has been said, there is no need for a further reduction to the points immediately west of Montreal. The rearrangement recommended may be taken care of as follows: The commodity rate from Montreal to Kingston (approximately the midway point) should be the same as from Toronto; and from Montreal to Port Hope and Peterboro the same as for the approximately similar distances from Toronto to Cornwall; the Port Hope, Peterboro and Toronto rates should be the maxima to intermediate points; and the commodity rates from Montreal should cover the same points as those from Toronto, on the above-mentioned basis.

I think an order should go that the railway companies file tariffs to be effective on or before April 1, establishing commodity rates westward out of Montreal, on the

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basis and for the territory which they intimated they were willing to do as described in the railway companies answer quoted above, and also rearranging the rates between Montreal and Toronto on the basis above suggested.

D'ARCY SCOTT.

I agree, S. J. McL., A. S. G., H. L. D.

OTTAWA, February 14, 1913.

In pursuance of the judgment, the Board issued the following order:—

Order No. 18775.

Upon hearing the application at the sittings of the Board held in Ottawa, November 5, 1912, in the presence of representatives of the railway companies, the Montreal Board of Trade and the Dominion Wire Manufacturing Company, and what was alleged at the hearing—

It is ordered that the Grand Trunk and the Canadian Pacific Railway Companies be, and they are hereby, required to publish and file, so as to become effective by the first day of April, 1913, commodity rates on wire fencing and wire netting in carloads (including staples and wire gates, when forming part of the said carloads), from Montreal on the following basis, that is to say—

To Sarnia, Walkerville, Woodstock, Hamilton and Toronto at the rates charged from those points to Montreal under the commodity tariffs published and filed; to Port Hope and Peterborough at the rate charged for approximately the same distance from Toronto to Cornwall, and to Kingston and Sharbot Lake at the rate charged thereto from Toronto; rates to be provided to those points west of Kingston and Sharbot Lake, and east of Toronto which are provided with commodity rates from Toronto, also to all points south of the main line of the Grand Trunk Railway Company between Toronto and Sarnia, in reasonable proportions to the basing rates specifically prescribed above; the said basing rates to be the maxima to intermediate points on the direct lines.

H. L. DRAYTON,
Chief Commissioner.

COMPLAINT OF RESIDENTS IN THE VICINITY OF MERVIN, SASK., AS TO LAKE AND RAILWAY FACILITIES.

Complaint having been filed with the Board by the Mervin Board of Trade relative to the delay by the Canadian Northern Railway Company to complete its line of railway from Edam to Mervin, Sask., the matter came before the Board for consideration at sittings held at Edam on November 19, 1912, before the Chief Commissioner and Commissioner McLean. Subsequently the judgment of the Board was delivered by the Chief Commissioner as follows:—

The Chief Commissioner:

Complaint has been made by farmers and others in the vicinity of Mervin, Saskatchewan, as to lake and railway facilities at that point.

Mervin is a point on the North Battleford branch of the Canadian Northern Railway, some twelve miles north of Edam. The company's route map has been submitted to the Minister of Railways, and has been approved by the Minister from North Battleford to Athabaska Landing, a distance in all of about two hundred and fifty miles. The railway company has submitted to the Board its location plans from North Battleford to a point called Emmaville, a distance from Edam of about twenty-two miles. As a matter of fact, railway construction has been carried only

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as far as Edam. Complainants state that settlers have gone into the country generally along the line of the proposed route, and that there are farms now under cultivation forty or fifty miles distant from Edam. They further state that at Mervin, the townsite of the Canadian Northern Railway system has been laid out and land sold on the strength of the statement that the steel would be carried to it. Mr. MacLeod, the general manager of the railway company, stated that it was the intention of the company to lay steel to Mervin, and that the work would have been done had it not been for the fact that the company was undertaking so much work that some of it had to be left over. There does not seem to be any doubt but that land, to some extent, was sold as the complainants stated, and the map issued by Messrs. Davidson and McKrae, general agents of the railway company's lands, shows as a line in operation, this branch, not only to Mervin but to a distance of some ten miles north of it, probably intending to show the construction to the point where the Board has approved of the company's plans.

There is no question at all but that the line is most urgently needed; that many of the farmers who appeared before the Board at Edam would probably be better off if they had broken no land and attempted to market no wheat under the adverse conditions which they are now suffering from. But the Board can do nothing. The building of these lines is a matter fixed only by the special Act and by agreements made with the different governments interested. The Board can do nothing except facilitate the work when asked, and has done everything in this particular instance that it can do until the lines are constructed and an application made to open them for traffic. The only reason no action is taken here is entirely owing to lack of jurisdiction. So far as the necessities of the district are concerned, and the position that settlers find themselves in, there is no doubt that the railway should be built, and built at once. So far as the sales of land are concerned, again the Board is without the slightest jurisdiction. As matters stand at present townsites can be opened by anybody anywhere, and lands sold on prophesies of the future, so far as railway development, station location, and other facilities are concerned, or anything else.

In this particular instance, I unreservedly accept Mr. McLeod's explanation as to the facts, and am quite sure that there was no intention of reaping the benefit of a subdivision at Mervin on the assumption of a railway development which was not to take place. In other words, this construction was in contemplation and the work was expected to be done; but, as stated by Mr. McLeod, owing to weather conditions and shortage of labour, the railway company did not accomplish as much track-laying as anticipated by its officials.

The Provincial Government is interested in the matter and the line is one that it is assisting. The Board has taken the matter up with that Government and notes of the evidence have been supplied to it. In addition to all this, Mr. McLeod has stated that the line will be built this season. The settlers at Mervin and other parts of this district will have to content themselves with Mr. McLeod's statement. The Board can make no order, because it has no jurisdiction.

H. L. DRAYTON.

I agree, S. J. McL.

January 25, 1913.

RE EMBARGO ON SAND LOADED IN CARS.

In August, 1912, complaint was made to the Board by the Marchand Sand Company, of Winnipeg, Man., that the Canadian Pacific Railway Company had placed an embargo on sand loaded in cars other than their own, on shipments into Winnipeg from points on the Canadian Northern Railway Company's line. Judgment of the Board in this matter, was delivered by Commissioner McLean, October 23, 1912, as follows:—

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Mr. Commissioner McLean:

The Marchand Sand Company's pit is located at Marchand, Manitoba, on the line of the Canadian Northern railway, a distance of forty-seven miles east of Winnipeg.

The embargo complained of was put in force on July 24 of the present year. Mr. Beatty, in his letter of August 16, quotes Mr. Bury as saying:—

"An investigation made some time ago showed that dealers in sand, gravel, lumber and other classes of building material were bringing their freight in over the Canadian Northern and ordering it transferred over to the Canadian Pacific Railway yards to be delivered off our team tracks. This was not in accord with the inter-switching order of the Board of Railway Commissioners, and we notified the transfer agency that we would not accept local cars from the Canadian Northern railway for team track or freight shed delivery.

"As I understand the order, it was certainly not the intention of the Board to order that team track and freight shed facilities should be held in common, but merely to provide that where consignees had private siding facilities on one railway, they should not be denied the right to bring their freight into the same city over a competing railway."

The following statement of Mr. Bury, viz:—

"To prevent foreign cars coming over which we are unable to get back again and to give them an incentive to return our cars, we issued an order some time ago that we would not accept from the Canadian Northern sand, gravel, and other building material destined for delivery on sidings on the Canadian Pacific railway unless loaded in Canadian Pacific cars,"

puts the matter on another ground by stating in substance, not that the embargo was due to a congestion of facilities, but to an attempt to recover Canadian Pacific cars.

The Canadian Northern officials state that while the Canadian Pacific contends that the former railway has a large number of Canadian Pacific cars on its line, it is not stated where such cars are located. They further state that under date of October 19 they have 2,100 Canadian Pacific cars on their line, 396 of which are in Winnipeg, leaving about 1,700 they can use, of which number 1,200 are west of Humboldt, leaving approximately 500 on the central division. Of the latter figure 260 are east of Winnipeg under load, leaving about 250. Ninety per cent of which are under load. The sand company's loading at the pit affected by the embargo, requires at least seventy-five cars per day. The Canadian Pacific arranged, on September 26, that the Canadian Northern would be permitted to use for loading of sand, cars received from the former railway in switching service. This relieved the situation somewhat.

It having been found impossible to obtain any adjustment of the matter by correspondence, the matter has been looked into by an inspector of the Board. He advises as follows:—

"On July 24 last, the Canadian Pacific Railway Company notified the Canadian Northern Railway that they would not accept shipments of sand or gravel only when loaded in Canadian Pacific cars. Mr. Scott states as a result of this embargo, his company have been unable to make deliveries according to contracts previously made, and are now obliged to refuse shipments to their old customers because of not being able to deliver to private sidings on the Canadian Pacific Railway. Mr. Scott cites one case where he has a contract with one firm for five hundred cars to be delivered on Canadian Pacific private siding in Winnipeg, and before signing contract with the firm he went to the railway officials of both roads to ascertain if there would be any difficulty in obtaining cars for this contract, and also if there would be any difficulty in

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transferring cars from one road to the other, and they distinctly told him, as long as the switching charges were paid there would be no question about the transferring of cars, and he would get all the cars required to fill the order, and the shipments would be delivered as promptly as if they were being handled by the first carrying road. He states at the time the embargo was placed, there was in transit on the Canadian Northern Railway for Canadian Pacific Railway points forty-eight cars, which, in consequence of the embargo, had to be unloaded on Canadian Northern Railway team tracks and hauled to the north-west end of the city. He also states under the present arrangement, unless all of his shipments were handled in Canadian Pacific equipment, he cannot properly supply his customers, for the reason he often orders, say twenty cars to be loaded at the pit intended for delivery at Canadian Northern private sidings, and before the arrival of the shipment, his customers who have private sidings on the Canadian Pacific Railway often run out of material, or come to him with a hurried order, and if he desired to divert the shipments to these customers he could not do so if they were not loaded in Canadian Pacific cars."

The situation is that the shippers desire to ship to private sidings. Mr. Bury, in the quotation already given, does not contest this right. The shipper located on the Canadian Northern, shipping to a private siding on the Canadian Pacific, should not be subjected to loss and damage because the Canadian Pacific is endeavouring to recover its cars. Whatever may be said as to the justifiability of the Canadian Pacific acting as it did if it had cars on the Canadian Northern lines available at points of shipment for movement to private sidings in the Canadian Pacific terminals, it is apparent from what has been said, that while there were Canadian Pacific cars on the Canadian Northern lines they were in no sense immediately, or even proximately, available at the sand pit.

The limitation of the movement on this interline traffic to Canadian Pacific cars alone is discriminatory, and should forthwith be removed.

S. J. McLEAN.

H. L. D., A. S. G., J. M.

OTTAWA, October 23, 1912.

In pursuance of the judgment an order was issued (No. 17917) directing that the embargo complained against be forthwith removed.

RATES ON SUGAR FROM EASTERN POINTS TO POINTS IN WESTERN PROVINCES.

A complaint was filed with the Board by the British Columbia Sugar Refining Company, of Vancouver, B.C., alleging discrimination shown by Canadian railways in rates on sugar in favour of eastern refineries to points in the western provinces. The complaint came before the Board for final consideration at a sittings held in Vancouver on November 20, 1912, before the Chief Commissioner and Commissioner McLean, in the presence of counsel for the complainants and for the Canadian Pacific Railway Company. Judgment of the Board was delivered by Commissioner McLean as follows:—

Mr. Commissioner McLean:

Complaint is made that the action of the Canadian Pacific, the Canadian Northern, and the Grand Trunk Pacific Railway Companies by reducing their fifth-class rates from their lake front termini to points in the provinces of Manitoba,

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Saskatchewan and Alberta, such reductions having become effective April 1, 1912, has subjected the applicant to increased eastern competition. Applicant has applied unsuccessfully to the Canadian Pacific Railway for corresponding rate reductions on sugar from Vancouver to points in the provinces of Alberta and Saskatchewan. The rate reduction which it is alleged has detrimentally affected the applicant is a result of the Board's order in the Regina Board of Trade case.

The contentions of the applicant are bound up with a case which was before the Board in 1908, viz.: *The Complaint of the British Columbia Sugar Refining Company, Limited, regarding rates on sugar from Vancouver to Manitoba, Saskatchewan and Alberta points, as compared with rates to Montreal. File 6759.* The applicant in the present case contends that rates should not be reduced from the east without its obtaining corresponding benefit; and it states that each reduction in fifth-class rates from the east means a contraction in area in which it can profitably conduct its business. It states that "it would be manifestly unjust that such a state of affairs should exist in Saskatchewan which by its geographical position may be reasonably considered as part of our territory, that is to say, a province much closer to British Columbia than to Quebec, and one from which we have long been expecting a large and increasing business." The applicant's position in regard to the effects of this increased competition, alleged to be the result of the rate reduction, is set out in the following language:—

"Our interests must be so adversely affected by these reductions that we claim our position should be considered before lower rates are made from the east, or that no reduction should be put in force from the east unless we are given corresponding advantages."

In developing its case, applicant points out that rates per ton per mile from Port Arthur to points in the western provinces are much less than from Vancouver to Alberta points, and it gives as an exemplification of this the following statement:—

	Miles.	Rate.	Per ton per mile.
		\$ cts.	\$ cts.
Vancouver to Calgary.....	646	0 75	2 32
Port William to Moosomin.....	639	0 57	1 78
Vancouver to Red Deer.....	739	0 82	2 22
Port William to Indian Road.....	734	0 67	1 82
Vancouver to Lloydminster.....	967	1 08	2 23
Port Arthur to North Battleford.....	1,009	0 83	1 64

The applicant also applies for an order directing the Canadian Pacific railway to obey the instructions of the Board as set forth in its order No. 4886 of June 16, 1908. It is contended that the directions contained in the aforesaid order regarding the reasonable scaling of rates from Vancouver to intermediate points in Manitoba, Saskatchewan, and Alberta were not carried out. Further, in drawing attention to the reduction in rates resulting from the all-rail tariff effective April 1, 1912, from Montreal to various points in the west, it states that the disadvantages it labours under would be properly corrected by an order directing the Canadian Pacific to comply with the provisions of the order above referred to, especially as to scaling of rates. Applicants also ask for an order directing the Canadian Northern and Grand Trunk Pacific railways to issue joint tariffs with the Canadian Pacific railway establishing lower rates from Vancouver to points on their respective lines.

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It is not necessary to enter in detail into the question as to whether the provisions of the Board's order No. 4886 were verbally complied with. The order was, perhaps, somewhat loosely drawn. The clear intent which was intended to be embodied in the order is contained in the report of the Board's chief traffic officer, which was adopted on the judgment of the Board in the matter; and what was done by the railways in putting in the tariffs in question was in substantial compliance with the recommendations of the Board's chief traffic officer.

While the matter should not be dealt with in a technical way, attention may be drawn to the fact that the sealing referred to in the order was to be carried out "satisfactory to the Board." The order, which went without formal hearing, reserved to either party the right to apply to rescind or vary the order. Subsequent to the issuance of the order, an application was made on July 27, 1908, by the Canadian Pacific for a re-hearing. Under date of July 29, 1908, the president of the sugar company wrote a letter stating that the tariffs filed only partially carried out the order; but no application was made by him for a re-hearing. Subsequently, on October 17, 1908, the application of the railway for a re-hearing was withdrawn.

It is not suggested that any rights the applicant may have had under the order in respect of a re-hearing have been lost by laches. But the four years which have been allowed to elapse, coupled with the conditions of the present application, sufficiently differentiate the present situation from that which was dealt with under order No. 4886.

In so far as the applicant is relying upon the Board's order No. 4886 as having created a rate basis which must now be enforced, it must be borne in mind that the original application and the order resulting therefrom were concerned with all-rail rates from Montreal versus the all-rail movement from Vancouver. It is true that on March 21, 1908, and May 6, 1908, for example, the sugar company complained of reductions being made by lake and rail westbound, without corresponding reductions being made from Vancouver eastbound; but while this feature is introduced, it is evident from the tenor of the complaint, that what was relied upon was a comparison of the all-rail rates from Montreal west and the all-rail rates from Vancouver east to points where competition arose; and it was with this phase of the condition that the order of the Board, as well as the report of the chief traffic officer dealt.

The former complaint was wider in scope than the present. As has been seen, it is contended that it is in Alberta and Saskatchewan that the competition has been specially increased as a result of the rate reductions. It is alleged that in Manitoba the applicant company is at a disadvantageous situation from the standpoint of competition, but this phase of the matter is not developed with any degree of particularity.

As to the situation in Saskatchewan and Alberta, the Assistant Chief Commissioner, who presided at the first hearing of the present application, asked for information regarding the respective tonnage movements from Vancouver and from Fort William to Alberta and Saskatchewan points. A statement submitted by the Canadian Pacific Railway subsequent to the first hearing shows that between April 1 and August 31, 1912, 16,100 tons of sugar went forward from Vancouver to Alberta and Saskatchewan points, while 170 tons went forward from Fort William to points in the same territory, that is to say, as between these two sources of supply Vancouver supplied 98.9 per cent. The figures submitted by the Canadian Northern show, giving per cent totals, that in the period April 1 to July 31, 1912, 89.66 per cent of the sugar going to Canadian Northern railway points in these provinces was from Vancouver. To check up the figures so obtained, the Board asked for additional information as to the movement prior to April 1, when the tariffs complained of became effective, and was informed by the Canadian Northern that for the six months ending April 1, 1912, the movement from Vancouver to same provinces represented 80.5 per cent. As the applicants have not had an opportunity of checking these figures, nothing will be built upon them.

Application has been received from Mr. Tilston, who desires to intervene on behalf of the Montreal Board of Trade. A similar application was received from the Knight Sugar Company, of Raymond, Alberta, which said:—

“We kindly ask you to send us particulars of their application, and why they want the present rates reduced, as we are certainly interested in sugar freight rates coming into this territory.

“While it is only part of the British Columbia refinery's market, it is our entire market, and any information you can give us on the above will be appreciated, and we thank you in advance for the same.”

For the reasons indicated in a later portion of this memorandum, it is not now necessary to deal with these two applications.

As has been stated, order No. 4886 dealt with all-rail rates, not only because the application was essentially concerned with this, but also because the Board appreciated that in the lake and rail movements there entered a factor which was not common to the movement from Vancouver, a factor which further, was to a considerable extent independent of the control of the Board. This is emphasized in the present application which refers to an 18-cent rate of the Canadian Lake Line applicable to sugar from Montreal to Port Arthur and Fort William for furtherance. This, as well as other independent lake carriers, is not subject to the Board's jurisdiction.

The consideration then of the former order does not advance the present situation. So far as the all-rail rates are concerned, Mr. Beatty in his answer gives the following comparisons which are not contested:—

FROM

Montreal, Que., all-rail, fifth class Tariff,
E. 1920; C.R.C. E. 2320.

Vancouver, B.C.
Special Tariff,
No. W. 2141;
C.R.C. W. 1428.

Difference in favour
of Vancouver.

TO

(Rates in cents per 100 lbs.)

Regina.. .. .	99	75	24
Moosejaw.. .. .	102	75	27
Saskatoon	109	95	14
Edmonton.. .. .	133	82 plus \$10 per car.	51 less \$10 per car.
Red Deer.. .. .	134	82	52
Calgary	133	75	58
Lethbridge.. .. .	127	80	47
Strathcona.. .. .	133	82	51

The applicant is in reality treating Fort William and Port Arthur as initial points of shipment. It states that because of the warehousing facilities supplied there, it is feasible for the eastern refiner to ship in on the lake rate during the summer, and by forwarding from these points during the season when navigation is not open practically to spread the effect of the lake and rail rate over the whole year's movement. This may be and no doubt is to a considerable extent true, but a comparison of the rates from Fort William and Port Arthur westward with the rates from Vancouver eastbound is an integral portion of the Vancouver Board of Trade case which was made a part of the pending Western Rate Investigation. The applicant asks “for this discrimination to be removed and for lower freight rates to all points in Alberta and western Saskatchewan.” The complaint of the Vancouver Board of Trade raises exactly the same point as is raised by the applicant in the present case, namely, is the difference in rate basis eastbound over the mountains

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from the Pacific coast justifiable as compared with the rate basis from Montreal and from the head of the lakes westbound? It is, therefore, impossible to give any ruling on a particular case in advance of the ruling on the general case. The application, therefore, must stand to be dealt with as an integral part of the general investigation.

February 21, 1913.

H. L. D.

S. J. McLEAN.

Notice has been sent out to all parties interested under date of March 28, 1913, that the Board will hear such further representations as any of the parties desire to make at its next sittings in Vancouver.

CARTAGE TOLLS.

The railway companies operating in Eastern Canada which performs certain services in certain cities and towns known as cartage points, filed with the Board new cartage tariffs increasing the toll charged to the public for cartage service when such service is rendered by the companies. The new tariffs were to take effect on November 11. Notice was sent to the railway companies interested that they would be required to speak at the sittings to be held in Ottawa on November 5, 1912, to the new tariff of the companies increasing from November 11, 1912, the tolls to be charged at the so-called cartage points in Eastern Canada. After some discussion at the November sittings, the matter stood adjourned until the sittings of the Board in Ottawa on December 17. In the meantime, however, on November 6, the following order was issued:—

Order No. 17911.

Upon the hearing of the matter at the sittings of the Board held at Ottawa, November 5, 1912, the majority of the railway companies interested being represented at the hearing, the evidence offered, and what was alleged—

It is ordered that the effective dates of the following tariffs covering the said increased charges for cartage, viz:—

Grand Trunk Railway Company.. . . .	C. R. C. No. E 2627
Canadian Pacific Railway Company.. . . .	C. R. C. No. E 2467
Canadian Northern Railway Company (lines east of Port Arthur).. . . .	C. R. C. No. E 184
Père Marquette Railroad Company.. . . .	C. R. C. No. 1533
Michigan Central Railroad Company.. . . .	C. R. C. No. 1967
Chatham, Wallaceburg, and Lake Erie Railway Company.. . . .	C. R. C. No. 254
Kingston and Pembroke Railway Company.. . . .	C. R. C. No. 421
Quebec, Montreal, and Southern Railway Company.. . . .	C. R. C. No. 459
New York Central and Hudson River Railroad Company.. . . .	C. R. C. No. 2414
Toronto, Hamilton, and Buffalo Railway Company.. . . .	C. R. C. No. 838
Ottawa and New York Railway Company.. . . .	C. R. C. No. 921

Be, and they are hereby, postponed to and including the thirty-first day of December, 1912.

D'ARCY SCOTT,

Assistant Chief Commissioner.

JUDGMENT.

THE ASSISTANT CHIEF COMMISSIONER: Well, if there is nothing further we will dispose of this matter now.

The railway companies have for many years been carrying on a cartage business through these cartage companies. Under the Railway Act, as it is now in force, the question of cartage is a toll, and the railways must submit to the Board the toll they charge for cartage.

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The railway companies have been collecting for many years two cents a hundred and fifteen cents for smalls, and they have applied to the Board, or rather they have submitted to the Board, a tariff in which they desire to charge three cents a hundred and twenty cents for smalls.

Had it not been for the intervention of the Board that tariff would have come into effect, at least so far as the Grand Trunk and Canadian Pacific railways are concerned, some time ago, I think it was the 11th November, but we issued an order postponing the effective date of that tariff until the matter could be looked into and considered. The matter was before the Board at the November traffic sittings a month ago. Since then conferences have been held between the parties interested, and we have to-day heard from those representing the parties who conferred, except some of the cartage companies, the result of their interviews.

The cartage companies *per se*, of course, are not under our jurisdiction, and they have the right to absent themselves, as two of them have done to-day, from this meeting if they so desire. It might have been beneficial to have had the assistance of their advice. The Hendrie Company were polite enough to come forward, and they have given us substantial assistance in telling us what their views are in the matter. However, the other companies are within their rights in doing what they have done.

I think we are all agreed that it is a benefit to both the railway companies and the shipping public to have these cartage companies carry on this cartage business as they do. The shipping public, of course, are free to use their own concerns or to hire private cartage companies if they so desire, but it is not done except in a few cases. The general use of the cartage companies by the shipping public is evidenced—of course there is a lot of other evidence besides—that it is a convenient method to have the cartage done.

That being so, and the rates charged for cartage by the railway companies being under our jurisdiction, it is incumbent upon us to decide whether the railway companies' tariffs which they have filed should be permitted to go into effect, that is, tariffs containing these higher rates.

From the investigation we have made, and from the evidence submitted, it is clear to us that it is not unfair to permit some increase in the cartage rates. The cost of horses, the cost of wages, the cost of feed—all these items have gone up within the last few years, commensurate, I suppose, with the cost of everything we use. We all know the cost of living has tremendously increased.

The railway companies ask for three cents a hundred. We think they are asking too much. We think that rate should not be granted. But we are of the opinion that they might be permitted to charge two and a half cents a hundred, and that the present rate on smalls might continue at 15 cents.

The evidence in regard to the Canadian Pacific railway is that they are collecting more on the handling of smalls than they are paying their cartage company for that particular item of business. Of course, the Canadian Pacific railway as well as the Grand Trunk and other companies are paying the cartage companies much larger sums than they are collecting from the public. They are free to make their own bargains with those cartage companies; we have nothing to say as to that. But bearing in mind the general benefit to the public, and the increased cost of living which we all realize, and the evidence given to us of the increased cost in the items which make up the expenditure of the cartage companies, we feel that two and one-half cents a hundred should be allowed.

Therefore, if amended tariffs on these lines are filed to become effective on the 1st of January—that was the date to which we had put off the effective date of the tariffs heretofore filed—they may then come into effect.

It has just been pointed out that there should be thirty days' notice. Therefore if may be the 1st of January is too early a date. Mr. Hardwell will look into that, and of course the public will get notice when the effective date should be.

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Mr. HAYES: I think the tariff is simply under suspension at the present time with both the Interstate Commerce Commission and this Board.

The ASSISTANT CHIEF COMMISSIONER: You have got to give the Interstate Commerce Commission thirty days.

Mr. HAYES: For a reduction. It will be a reduction of the present tariff.

Mr. HARDWELL: The present tariff is postponed to and including the 31st day of December.

Mr. HAYES: The new tariff will be a reduction.

Mr. HARDWELL: No. This tariff was postponed. It will be an advance over the existing tariff.

Mr. KIRKPATRICK: There is no trouble in getting permission from the Interstate Commerce Commission if your order reads the 1st of January.

The ASSISTANT CHIEF COMMISSIONER: You had better give the public the benefit of the doubt. We will make it thirty days now.

Pursuant to the judgment the Board, on December 18, 1912, issued General Order No. 99 as follows:—

General Order No. 99.

Upon the hearing of the matter at the adjourned sittings of the Board held in Ottawa, December 17, 1912, in the presence of counsel for and representatives of a majority of the railway companies interested; counsel for and the representative of the Hendrie Cartage Company; and the representatives of the Canadian Manufacturers' Association, the Boards of Trade of Montreal and Toronto, and the Ontario Wholesale Grocers' Guild; the evidence adduced, and what was alleged; and the reading of what has been filed:—

It is ordered that the special tariffs of the railway companies, the effective dates of which were postponed to and including the 31st day of December, 1912, by the orders of the Board Nos. 17911, 18088 and 18153, dated respectively the 6th, 21st and 30th days of November, 1912, be, and they are hereby, disallowed; and that in lieu thereof the railway (or railroad) companies may publish and file, and make effective on statutory notice, special tariffs of tolls chargeable for cartage at those points in eastern Canada where cartage services are rendered by the said companies, or their agents, which shall not exceed two and one-half cents per 100 pounds; provided that a minimum toll may be charged and collected for the cartage of any single complete shipment, which minimum toll shall not exceed 15 cents.

D'ARCY SCOTT,

Assistant Chief Commissioner.

SWITCHING CHARGES.

Complaint having been made to the Board by W. H. D. Miller, of Montreal, P.Q., that at Mile End, P.Q., the Canadian Pacific Railway Company refused to consignees the privileges of rule 2, clause I, of the Canadian Car Service Rules, by charging switching \$2 per car unless placement orders are received by the company before the arrival of cars. The Board set the matter down for hearing at a sittings held in Montreal on October 29. Subsequently, on January 3, 1913, the judgment of the Board, concurred in by Commissioners Mills and Goodeve, was delivered by the Chief Commissioner:—

The Chief Commissioner:

Two cars arrived at Outrement consigned to shipper's order, the railway company to notify Mr. Miller of arrival. Notice was given and Mr. Miller says he

ordered both cars to Moreau street by same telephone message. Agent says he ordered one to Moreau and one to Hochelaga. One car was sent to Moreau and was unloaded; the other went to Ontario street, where Miller's consignee refused to unload it; and there it now stands under demurrage. Moreau and Ontario street team-tracks are all in Hochelaga yard; and I would allow the complaint for these reasons: First, the consignee wrote the agent the following day confirming his telephone message, and this letter orders both cars to Moreau street; Second, the same man, Hogg, was to unload both cars, and consequently he would more than likely want them at the same place; Third, I think if there is any conflict over a verbal or telephone conversation, the benefit of the doubt should go to the shipper, particularly as in this case, Miller's interpretation is confirmed by his letter.

It should be borne in mind that this situation does not in any way conflict with the ruling of the Board in the Canadian Cement case. The shipper has the right to have his car placed; but that right is subject always to the requirements of other shippers, and to the possible accommodation available. Had the Canadian Pacific Railway Company been unable, by reason of the demands of other shippers, to place the second car as Miller had desired, the ruling of the Board in the Cement case would apply. The railway company has not pleaded the situation which was apparent in the Cement case. The Company, therefore, must assume the onus of the mistake or misunderstanding, and move the car to Moreau street for unloading at its own cost and charges; and there should be no charge for demurrage consequent upon the failure so to place the car in the first instance.

Commissioners Mills and Goodeve concurred.

January 3, 1913.

RE INTERNATIONAL PULPWOOD RATES.

On August 19, 1912, an application was made to the Board by the International Paper Company, the Union Bag and Paper Company, and other interested parties, for an order pursuant to section 323 of the Railway Act, disallowing the increased rates and cancellation on pulpwood from Quebec, Ontario and New Brunswick provinces to eastern United States points, which otherwise would become effective on September 1 and 2, 1912, and reinstating the present rates of the Canadian Pacific, Grand Trunk, Canadian Northern and Temiscouata railways. The railway companies notified the Board that they would voluntarily suspend the effective dates of the tariffs on pulpwood, to November 1, 1912, and the matter was accordingly set down for hearing at sittings of the Board to be held in Ottawa, October 15, 1912. The Board, after hearing the parties by counsel, enlarged the matter for further hearing until February 4, 1913, and in the meantime issued an order directing that the tariffs of the respondent railway companies increasing the rate on shipments of pulpwood be suspended until February 14, 1913. A further order was issued on January 27, 1913, directing a further suspension until March 1, 1913. After the hearing on March 4, judgment of the Board (Commissioner McLean dissenting) was delivered by the Chief Commissioner.

See Appendix "C" for judgment and dissenting judgment.

And in pursuance of the judgment, the Board issued order No. 18787, as follows:

February 27th, 1913.

Upon the hearing of the application at the sittings of the Board held in Ottawa, October 15, 1912, in the presence of counsel for the applicants, the Grand Trunk, Canadian Pacific, and Canadian Northern Railway Companies being represented at the hearing, the evidence offered, and what was alleged; and the reading of the written arguments filed on behalf of the parties—

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It is ordered as follows:—

1. The application is hereby refused.

2. Subject to the condition that the rates from the Canadian Pacific Railway Company's stations west of Avonmore to and including Smiths Falls, in effect at the date of this order, be restored, the said tariffs of the respondent railway companies, increasing the rates on shipments of pulpwood, in carloads, are hereby allowed; provided that such increases shall not become effective before the 15th August, 1913.

H. L. DRAYTON,
Chief Commissioner.

RATES ON CORN AND CORNMEAL.

At a sittings held in Ottawa, April 16, 1912, the Grand Trunk and Canadian Pacific Railway Companies were called upon to justify the higher rates on ex-lake corn from Lake Huron and Georgian Bay ports than are charged on wheat and oats ex-lake. Also, that the railways show cause why the rate on cornmeal and other grain products from Montreal, P.Q., to St. John, N.B., should not be reduced from 17½ to 15 cents per 100 pounds. At the hearing the Chief Commissioner expressed his opinion that the cornmeal rates from Montreal to St. John points should not be disturbed and Commissioner McLean stated that the representations at the hearing, as well as the tenor of the protests received from the Maritime Provinces, convinced him that action could not be taken as suggested in his judgment of March 6, 1912, without giving the Maritime Province points concerned, an opportunity to be heard. The Board accordingly dismissed the application. Subsequently, at sittings held in St. John, N.B., on July 9, 1912, the Board took up the application of the Montreal Board of Trade for an order (a) reducing the rate on ex-lake corn from the Georgian Bay ports to Montreal, to the same basis as in effect on ex-lake wheat, barley, and oats; (b) directing the Canadian Pacific Railway Company to apply the mileage basis as in effect in Ontario and Quebec, as shown in the company's tariff C.R.C.E.-1929, on cornmeal shipped from Montreal to the company's points in New Brunswick. After the hearing, the judgment of the Board was delivered by Commissioner McLean, as follows:—

Mr. Commissioner McLean:

The judgment, dated March 6, 1912, stated that the application as launched was not a tenable one. At the same time, direction was given that the railway should be asked to justify the apparent discrimination as between the wheat and oats rate and the corn rate from Georgian Bay ports to Montreal. It was stated:—

“It appears, however, that the corn rate from Tiffin to Lindsay and from Tiffin to Peterboro is the same as the wheat and oats rate, while from Tiffin to Montreal the corn rate is 11½ cents as compared with the wheat and oats rate of 10 cents. In view of the extension of the wheat and oats rate to Lindsay and Peterboro, it is not apparent why the same treatment should not be given to Montreal. It does not appear that there is any such essential difference between corn and wheat and oats as would justify a higher rate basis in the case of corn.”

Attention was also drawn to the fact that the rate from Montreal to St. John was apparently out of line as compared with the rate from points west of Montreal to St. John, and direction was given that the railway should be required to speak to the question why the Montreal-St. John rate should not be reduced from 17½ to 15 cents.

As a result of this hearing, the majority of the Board concurred in the position that the cornmeal rates from Montreal to St. John points should not be disturbed.

On May 11, 1912, Mr. Tilston, for the Montreal Board of Trade, made application for a re-hearing, which would also afford an opportunity for the protests already made by the maritime milling interests against the proposed reductions of the rates, but which had not been presented in evidence to be considered.

As a result of this, the matter was set down for re-hearing in St. John. The position of the Maritime milling interests was in part presented. As it was desired by some of the interests represented to make fuller statements than could be put in at the hearing, an opportunity of doing this by means of written statements was afforded. This method of procedure, on account of the time necessarily taken up by written answer and reply is usually dilatory. And it was as dilatory as usual in the present application.

Full consideration of the evidence presented, as well as of the submissions subsequently presented in writing, convince me that the Board acted properly in refusing to direct a reduction from Montreal to St. John. This position may be re-affirmed.

There remains for consideration the question of the ex-lake rates on corn, which was not dealt with in the judgment of the Board already referred to. As pointed out by Mr. Tilston at the hearing, the ex-lake rates on corn for milling are identical with those on wheat, barley, and oats, for milling, for all distances up to 325 miles, at which point the rate is uniformly 10 cents per 100 pounds. This 10-cent rate is continued on wheat, barley and oats down to Montreal, which is 382 miles by the Grand Trunk from Tiffin; and when, in the near future, the C. P. R. opens its new line to Port McNicoll, its distance will be 369 miles. On the other hand, the corn rate advances to 11 cents up to 350 miles, and to 11½ cents beyond that to Montreal.

This is a question of discrimination as between the rates on corn and the wheat and oats rate. It was contended in substance by Mr. Kirkpatrick for the railway that the 10-cent wheat and oats rate was a competitive one against water carriers, and that in the case of corn the same conditions did not present themselves. It may be noted, as already pointed out, that the corn was given the same basis as wheat and oats from Tiffin to Lindsay and Peterborough.

If the controlling power of water competition is relied upon as a justification of the difference in treatment, it would normally follow that to some extent the water controlled rate would fluctuate with its controlling rate. But the 10-cent rate has been in force unchanged for some years. It applies not only to Montreal and as a maximum to intermediate points, but also to points on the north shore, from Aylmer down to Montreal, including the branches, and to points on the Brockville-Ottawa and Prescott-Ottawa sections. But the pervasive power of water competition on this rate is further minimized when it is remembered that it was originally an arbitrary rail proportion of a through rate from Fort William. It had its origin when grain was handled on through rates from Fort William, via lake and rail, and this figure was approximately, if not actually, allowed for the rail haul from the Georgian Bay. As a result of the improvement in the facilities for handling grain to Montreal, all water, it became expedient to allow the lake carrier to protect rates on the Bay ports as they found necessary to meet fluctuating competitive conditions, and the rail carriers accepted the fixed rate of 10 cents per 100 pounds from the Bay ports.

It has not been affirmatively shown that either in point of water competition, or in point of conditions affecting carriage, there is such a difference of conditions as to justify the discrimination between the ex-lake rate on corn and that on wheat, oats and barley. The corn should, therefore, be given the same treatment as the latter, where an ex-lake rate on it is in effect.

I agree, D'A. S., J. M., A. S. G.

January 14, 1913.

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In pursuance of this judgment, order No. 18578 was issued. The following is the order:—

January 23, 1913.

Upon the hearing of the application at the sittings of the Board held in the city of St. John on July 9, 1912, the applicant, the city of St. John, the St. John Milling Company, Limited, and the Canadian Pacific Railway Company being represented at the hearing, and what was alleged; and upon the reading of the written arguments filed in support of the application and on behalf of the railway company—

It is ordered:—

1. That the order of the Board No. 16394, dated April 25, 1912, dismissing the application for an order directing the Canadian Pacific Railway Company to apply the mileage basis, as in effect in Ontario and Quebec, as shown in the company's tariff C.R.C.E.-1929, on cornmeal shipped from Montreal to the company's points in New Brunswick, be, and it is hereby, confirmed.

2. That the mileage tariffs of the railway companies, from the ports of transshipment, on ex-lake corn in carloads, for milling purposes, be revised so as to provide rates on the said corn that shall not, in any case, exceed the mileage tariff rates charged from the same ports of transshipment, and for the same distances, on ex-lake wheat, oats and barley in carloads, for milling purposes; the said revised tariffs to become effective not later than the 10th day of February, 1913.

D'ARCY SCOTT,

Assistant Chief Commissioner.

RE TRANSPORTATION OF FRUIT.

An application was filed with the Board under date of April 23, 1912, by the Simcoe Fruits, Limited, of Barrie, Ont., for the restoration of the agreement in effect prior to March 29, 1911, whereby green apples carried by the railway companies in L.C.L. lots for aggregation into carload shipments, received in reshipment a reduction of one-third from the inwards L.C.L. rate, or, as an alternative for the application of the through L.C.L. rate, subject to the minimum C.L. weight; from the original shipping point to the final railway destination, plus a reasonable charge of \$3 per car suggested for the stop-over at the intermediate point of consolidation, with the privilege of inspection and repacking thereat.

Application was also made in this connection by the Fruit Growers' Association of Ontario. The matter came before the Board for consideration at a sittings held in Toronto on September 26, 1912, in the presence of counsel of the railway companies interested, and a representative of the Simcoe Fruits, Limited. No action was taken on that occasion the matter being stood over to be dealt with when the application of the Fruit Growers' Association of Ontario, should be filed with the Board. The matter subsequently came before the Board for final adjudication at a sittings held in Toronto, November 6, 1912, before the Chief Commissioner and Commissioner McLean. The judgment of the Board was subsequently delivered by Commissioner McLean:—

Mr. Commissioner McLean:

Application is made for a stopover for completion of carloads of fruit in transit, or, in the alternative, for the restoration of the special rate on part lots to concentration centres. Application is also made for reimbursement for slatting supplied for the floors of cars by shippers.

It is established by various decisions of this Board, as well as by decisions of the Interstate Commerce Commission, that the transit practice is a privilege, not a right.

The following language expresses the position of the Board as set out in the judgment in connection with the application of the Board of Trade of Montreal for an order directing the C.P.R. Co. to furnish tariffs covering milling in transit arrangement on corn received at Montreal by rail from Georgian Bay elevator ports and from Detroit, &c., file 12384:—

“We cannot require a railway company to establish a milling in transit rate on anything; it is optional with them to do it. If they choose to do it themselves, then they may get under our jurisdiction if it discriminates against anybody. But in the absence of any milling in transit rate on corn for local consumption, I do not see how it can get under our control at all. We cannot require them to put in such a rate as I understand it. If they do it and then if discrimination follows, it would come under the discrimination clause.”

The same position applies here. Discrimination not having been established, the Board is without power to direct that this privilege shall be given by the railway.

In the matter of the application for the restoration of the special rate in part lots to concentration centres, the situation as disclosed by the Board's records appears to be as follows: From December 10, 1904, when tariffs were first filed under the Act (and probably much earlier) down to March 28, 1911, both the Grand Trunk and Canadian Pacific carried apples to concentration points for storage, inspection, or completion of carload and reshipment, at a reduction of one-third from the local tariff rates. The combination of the in and out rate was not to be less than the through rate from the first shipping point to the final destination, plus 2 cents per 100 pounds; and if to the concentration point a joint route had to be used, the reduction applied only to that portion of the earnings of the company that received the second haul, or reshipment, from that point. On March 29, 1911, the arrangement was modified by withdrawing the completion-of-carload concession, and restricting the storage and inspection privileges to carloads.

The railways have not satisfactorily justified the abrogation of the arrangement which had been shown to have been in existence in Ontario for a number of years; and an order of the Board should go directing the re-establishment of the hitherto existing arrangement, this to be effective within thirty days.

The second phase of the application is concerned with the determination of the allowance to shippers for slatting furnished by them for the floors of refrigerator cars. From the evidence, the allowance is desired in connection with soft fruits, *e.g.*, peaches and plums. It will be sufficient at present to require the Grand Trunk Pacific, the Canadian Pacific, and the Canadian Northern to notify the Board not later than April 15 what number of their refrigerator cars in service are supplied with slatted floors, and what number are not. When this information is received, the Board will then be in a position to determine what allowance should be made to shippers furnishing slatting for the floors of cars.

S. J. McLEAN.

I agree, H. L. D.

February 26, 1913.

Pursuant to this judgment the Board issued, on March 5, 1913, the following order:—

Order No. 18,825.

Upon hearing the applications at the sittings of the Board held in the city of Toronto, September 28, 1912, and November 6, 1912, the applicants and the Grand Trunk and Canadian Pacific Companies being represented at the hearing, and what was alleged; and upon the report of the chief traffic officer of the Board:—

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It is ordered as follows:—

1. That the applications for the stop-over privilege for completion of carload shipments in transit, at an additional charge of three dollars (\$3) per car for each stop, be, and they are hereby, refused.

2. That the railway companies subject to the jurisdiction of the Board re-establish the arrangement formerly in effect, whereby apples were carried to concentration points for storage inspection or for completion of carloads and re-shipment, subject to certain conditions, at a reduction of one-third from the local tariff rates, to the concentration points, so as to become effective within thirty days from the date of this order.

3. That the Grand Trunk, the Grand Trunk Pacific, the Canadian Pacific, and the Canadian Northern Railway Companies notify the Board, not later than April 15, 1913, what number of their, and each of their, refrigerator cars in service are supplied with slatted floors, and what number are not.

H. L. DRAYTON,
Chief Commissioner.

HEATED CAR SERVICE.

The consideration of the question of heated car service to be furnished by railway companies was first brought to the attention of the Board in connection with the application of the Sanitaris, Limited, of Arnprior, Ont., for an order directing railway companies to furnish, during cold weather, heated cars for the carriage of mineral water, ginger ale, and other bottled beverages, in quantities aggregating not less than carload lots, from one shipper to one or more consignee and destinations, and in this connection an order was issued dealing with the matter (order No. 15,819) and directing the railway companies to re-establish the system in practice by them of carrying less than carload lots in heated cars during the winter of 1910-1911, until further order of the Board, or until the reasonableness of the withdrawal of such facilities could be passed upon by the Board.

Subsequently, on June 11, 1912, the following circular was sent to all railway companies subject to the Board's jurisdiction:—

OTTAWA, June 11, 1912.

Circular No. 89.

File 18855, Heated Car Service.

DEAR SIR,—I am directed to inform you that at the sittings of the Board to be held at Ottawa on Tuesday, July 2, commencing at ten o'clock in the forenoon, railway companies subject to the Board's jurisdiction will be required to show cause why a general order should not issue, requiring railway companies to furnish a heated car service.

Yours truly,

A. D. CARTWRIGHT,
Secretary.

In accordance with this circular the matter came before the Board for consideration at its sittings held in Ottawa on July 3, 1912, when, after hearing the parties, judgment was reserved.

Subsequently, on December 6, 1912, the Board issued General Order No. 98 in the following terms:—

General Order No. 98.

Upon the hearing of certain of the applications at the sittings of the Board held at Ottawa on July 3, 1912, and at Toronto, on September 28, 1912, in the presence of

counsel for and representatives of the applicants and the railway companies, and what was alleged; and upon the report and recommendation of the chief traffic officer of the Board—

It is ordered that, until further ordered by the Board, upon the receipt of reasonable notice from the shipper, or shippers, that such is or are required, railway companies, subject to the jurisdiction of the Board, operating in Eastern Canada, which own refrigerator cars, and according to their respective powers, furnish to any shipper or combination of shippers, a heated refrigerator car, or cars, for the carriage during cold weather, of fruit, vegetables and eggs, in less than carload quantities, the same to be carted by the shipper, and loaded in the car by the shipper, or shippers, in the order in which the shipments are to be unloaded.

Provided, that under this order the carrier be not required

(a) To accept shipments necessitating more than five openings of any such car for unloading purposes.

(b) To furnish heated cars for transshipments from the original car for destinations off the route of the said car.

(c) To accept less than a total weight of 12,000 pounds in any such car, or less aggregate amount in freight charges than for 12,000 pounds distributed proratably over the various shipments in any car.

(d) To accept such shipments unless the freight charges are prepaid.

(e) To assume liability for loss or damage to the property by frost (1) while in the car, if caused by the opening of the car for loading or unloading purposes; or (2) after it has been unloaded from the car.

D'ARCY SCOTT,
Assistant Chief Commissioner.

The Canadian Pacific Railway Company having interpreted the said general order as superseding order No. 15,819 and having discontinued the heated car service in respect of freight shipments not specifically provided for in the general order, the Board issued a further general order, dated February 1, 1913, (General Order No. 101) as follows:—

General Order No. 101.

Whereas, by order of the Board No. 15819, dated January 18, 1912, all railway companies subject to the jurisdiction of the Parliament of Canada were directed forthwith to re-establish the system or systems in practice by them, during the winter of 1910-11, of carrying less than carload lots in heated cars, and to grant to all shippers the rights and privileges of such shipping facilities in respect to such traffic as were in force upon their various lines during the said winter, until further order, or until the reasonableness of the withdrawal of such facilities could be passed upon by the Board;

And whereas, by general order No. 98, dated the 6th day of December, 1912, railway companies subject to the jurisdiction of the Board, operating in Eastern Canada, were required to furnish to any shipper a heated refrigerator car, or cars, for the carriage during cold weather of fruit, vegetables and eggs, in less than carload quantities, subject to certain conditions specified in the order:

And whereas, the Canadian Pacific Railway Company interprets the said general order as superseding the said order No. 15,819, and has discontinued the heated car service in respect of freight shipments not specifically provided for in the general order, and notwithstanding the fact that it has been notified, under the direction of the Board, that the intention of the said general order was not in any way to cancel or supersede the provisions of the previous order, the company refuses to carry out the terms of the said order No. 15,819—

Now therefore the Board orders and declares that the said general order No. 98 shall not be taken or construed as in substitution for, or in cancellation of, the said

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order No. 15,819, but as an addition thereto; and the Canadian Pacific Railway Company is hereby directed forthwith to comply with and carry out the terms and requirements of the said order No. 15,819, dated January 18, 1912.

H. L. DRAYTON,
Chief Commissioner.

The Board now expresses the hope that the orders issued are sufficient to cover the requirements of the case.

RE EMBARGOES.

The question of embargoes having been one that has been engaging the attention of the Board, the Board on the 14th of May, 1912, issued the following circular:—

May 14, 1912.

Circular No. 87.

"RE" EMBARGOES.

The Board desires that all railway companies subject to its jurisdiction, show cause at the traffic sittings of the Board to be held at Ottawa, June 18, 1912, why an order should not go prohibiting any railway company from issuing an embargo against any traffic for a period longer than four days without first giving the Board at least ten days' previous notice of its intention to issue such embargo, and the reason why such embargo is to be issued.

By order,

A. D. CARTWRIGHT,
Secretary.

At the sittings held in Ottawa, on June 18, the matter was discussed by counsel for the various railway companies interested, and the Board, after hearing the discussion, reserved judgment. Subsequently, on November 2, 1912, the Board decided to issue a general order dealing with the matter, as follows:—

General Order No. 95.

Upon the hearing of the matter at the sittings of the Board held in the city of Ottawa, June 18, 1912, the Grand Trunk Railway Company of Canada, the Canadian Pacific, Canadian Northern and Great Northern Railway Companies, being represented by counsel at the hearing; and reading what has been filed on behalf of the respondent railway companies, and the report and recommendation of the chief operating officer of the Board—

It is ordered as follows:—

Whenever a railway company, subject to the jurisdiction of the Board, issues an embargo against any traffic, it shall, within forty-eight hours thereafter, file with the Board a copy of such embargo, with a statement of the conditions rendering such embargo necessary, the action required to remove such conditions; and the probable time such embargo will be continued. And when such embargo is withdrawn or cancelled, the company shall forthwith file with the Board a copy of such withdrawal or cancellation.

D'ARCY SCOTT,
Assistant Chief Commissioner.

This order has been acted upon by all railway companies interested and the information called for, filed with the Board.

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DEMURRAGE CHARGES, CAR SHORTAGE AND CONGESTION OF TRAFFIC.

The question of an increase in demurrage charges on freight cars as a means of expediting the release of cars was one that came before the Board for consideration upon the application of the Canadian Pacific, Grand Trunk, Canadian Northern and Michigan Central Railway Companies on behalf of themselves and of all other railway companies subject to the Board's jurisdiction, for permission to increase, temporarily, the toll for car detention by shippers or consignees, with the object of minimizing the misuse of freight cars for storage purposes, and alleviating the car shortage and congestion of traffic.

Notice of the hearing of the application having been sent to all parties directly interested, the matter came before the Board for consideration at a sittings held on November 27, 1912, in the presence of representatives for certain Boards of Trade and for other associations interested. The Board, after hearing all parties, issued the following order (General Order No. 97) dealing with the matter:—

General Order No. 97.

Upon the hearing of the application at the sitting of the Board held in the city of Ottawa on the 27th November, 1912, counsel and representatives appearing for the applicant railway companies, the Canadian Manufacturers' Association, the Montreal and Toronto Boards of Trade, the Montreal Corn Exchange, the Dominion Millers' Association, the Canadian Lumbermen's Association, and others.—

It is ordered that, on the publication and filing of tariffs therefor, and for the period commencing the fifteenth day of December, 1912, and terminating the thirty-first day of March, 1913, both inclusive, the said applicant companies be, and they are hereby, permitted to increase the car service or demurrage toll prescribed by the order of the Board, No. 906, dated the 25th day of January, 1906, from one dollar a day to two dollars a day for the first twenty-four hours or any part thereof, and to three dollars a day for each succeeding twenty-four hours, or any part thereof, for delay beyond the free time allowed for the said order for loading or unloading cars; provided that this order shall not apply to cars held in transit at stopover points under published tariffs filed with the Board.

D'ARCY SCOTT,

Assistant Chief Commissioner.

File No 1700.29.

APPLICATION OF RAILWAY COMPANIES FOR ORDER PERMITTING A TEMPORARY INCREASE OF DEMURRAGE CHARGES.

Heard at Ottawa, November 27, 1912.

Assistant Chief Commissioner:

The railway companies under the jurisdiction of the Board apply for a temporary increase of the demurrage charges permitted under the Canadian Car Service Rules, from \$1 per day beyond the free time, to \$2 for the first twenty-four hours, \$3 for the second twenty-four hours, and \$4 for the third and succeeding twenty-four hours, of car detention after the free time allowed by the rules.

It cannot be denied that a car shortage equal to, if not greater than that of last year is imminent; and unless some steps are taken to secure an adequate supply of cars, traffic will be seriously handicapped during the approaching winter and spring until the opening of navigation. Evidence was submitted to the Board by the applicants, showing an unreasonable detention of a large number of cars at many of the principal traffic centres of the country. It is urged by the railway companies that the

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unnecessary detention of cars by shippers and consignees, not only handicaps the railway companies by depriving them of cars which would otherwise be available for traffic, but also causes congestion by blocking team tracks and private sidings in terminals. It is also contended that at least 50 per cent of what is called railway detentions, that is, the unnecessary holding of cars in terminals by the railway companies, is done to the blocking of these terminals by the unnecessary detention of cars by shippers and consignees.

The Board is fully alive to the very unsatisfactory method adopted by some of the railway companies for the handling of freight traffic. It has had its expert officials examine and report on the terminal and transportation facilities of the railway companies for some time. It has had the railway companies and the representatives of the shippers before it, and has discussed with the former the necessity for increasing the facilities and rolling stock of the railways, in order to overcome the unsatisfactory condition of affairs; and the railway companies are, undoubtedly, making an honest effort to relieve the congested condition of freight traffic, by increasing their facilities in the way of enlarging their yards, double-tracking, providing more cars, and adding to their motive power.

We are all thankful to realize that the traffic of the country is increasing at a far greater rate than was anticipated but a few years ago.

I believe there is much yet for the railways to do to equip themselves to handle the business of the country properly; but, as I have said before, I am satisfied that they are making an honest effort to do so; and they now ask, in a time of congestion of traffic, that those whose merchandise they carry do what they can to assist by loading and unloading cars as promptly as possible, in order that they may be available for the use of shippers.

The practice of consignees holding cars and using them for storage or warehouse purposes, undoubtedly exists. In many cases, it is cheaper for a consignee to pay \$1 a day demurrage and use the car as a warehouse, than to unload the car promptly and store his goods in some other place. Many merchants and traders, whose business has materially increased within the last few years, have not sufficient shed capacity to take care of their goods.

The applicants, in order to induce prompt release of cars, ask that the demurrage charges be so increased that, because of the expense of holding a car beyond the free time, shippers and consignees will be prompted to load and unload cars with the utmost despatch.

The object of Car Service Rules is not to supply revenue for the railway companies, but to insure prompt release of cars, that they may be available for other shippers. The \$1 for each twenty-four hours' detention over the free time is apparently not a sufficient inducement to secure the prompt release of cars in many cases; and I am of the opinion that temporarily, during the present shortage of cars, the demurrage charge should be so increased as to insure the prompt release of cars in all cases.

When a congestion occurred some time ago, on the Ontario Government railway (T. and N.O.) the demurrage charge imposed by the Government was increased from \$1 to \$3; and, from the uncontroverted evidence submitted to the Board, it proved to be beneficial in securing a more prompt release of cars. The Pacific Car Service Bureau, having jurisdiction in the state of California, made a protracted experiment by increasing demurrage charges gradually from \$1 to \$6 per day over the free time; and it has recently fixed the rate at \$3 per day as being the most satisfactory amount.

Being of the opinion that the railway companies have made out a good case for a temporary increase of demurrage charges, I have come to the conclusion, bearing in mind the facts above stated, that the increase should not exceed a maximum of \$3; I would increase the charge to \$2 for the first twenty-four hours, and \$3 for each subsequent twenty-four hours, beyond the free time as provided in our Car Service Rules.

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The railway companies are on record as stating that if they get this temporary increase, which I think should be granted, there will be very little congestion, and few, if any, delays in the placing of cars. It will now be incumbent upon them to carry out their undertaking. This temporary increase in demurrage charges may be taken as a substantial contribution by the shipping public towards the relief of the difficulties, and it will be for the railway companies to do the rest. Unless greater effort is made by the railway companies, with the view of more prompt transportation and handling of traffic, I do not believe that the increase in the demurrage charges will make any substantial difference.

There is almost a unanimity of opinion among the shipping public, that they would cheerfully consent to the increase in demurrage charges, if a measure of reciprocal demurrage was made effective at the same time; that is, if the railway companies would pay a per diem allowance to the shipper, or consignee, for unreasonable delays in the delivery of cars on the part of the railway companies. That is a matter with which we cannot deal in this application. It was brought to the attention of the Board at a sitting in Winnipeg, in July last, and is, I believe, now being considered by the Chief Commissioner and Mr. Commissioner McLean on their present western trip; and it cannot be disposed of without a hearing in the east, where a number of shippers desire to be heard on the subject. In disposing of the question of reciprocal demurrage, the Board will, of course, consider what, if any, effect this temporary increase in the demurrage charges may have upon that question; but I see no reason why the present application should be delayed on that account.

I, therefore, think an order should go granting a temporary increase in the demurrage charges as mentioned above, to become effective on the 15th December next, and continue until the 1st April next; when, unless otherwise ordered by the Board, the old charge of \$1 per day will be restored. I have made the effective date December 15 so as to give the shippers and consignees two weeks' notice.

It was pointed out to us at the hearing yesterday that the charges permitted for stopover privileges at Cartier and other points throughout Canada were based upon the present demurrage charges; and that, unless otherwise ordered by the Board, an increase in demurrage charges might result in an increase of stopover charges. There should be no increase in stopover charges; and provision to that effect should be incorporated in the order.

D'ARCY SCOTT.

OTTAWA, November 28, 1912.

This order was widely circulated throughout the Dominion, and the Board trusts that it will meet the requirements of the case and prove to be equitable and just to all parties interested.

RECIPROCAL DEMURRAGE.

The matter of reciprocal demurrage is one that has come before the Board in connection with the application of Mr. D. D. Campbell, D.G.S. agent at Winnipeg, asking for a ruling of the Board on reciprocal demurrage on grain in transit. The application came before the Board for consideration at sittings held in Winnipeg, July 18, 1912, Assistant Chief Commissioner Scott presiding. Counsel appeared for the applicants and for the railway companies and others directly interested. No action was taken on that occasion, the matter standing for sixty days to enable the railway companies to file their answers. Subsequently, the matter again came before the Board at a sittings held in Winnipeg on November 11, the Chief Commissioner presiding, when it again stood over to enable counsel for the Winnipeg Board of Trade Grain Exchange, to put in, within thirty days, their reply to the answers filed

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by the railway companies. On February 6, 1913, a circular letter was issued stating that the Board would take up the question of reciprocal demurrage and its suggested application to Canada, at a sittings of the Board to be held in Ottawa, April 15, 1913. Pending the hearing on April 15, the Board issued the following circular under date of March 13, 1913:—

BOARD OF RY. COM. FOR CANADA, March 13, 1913.

File 3775-1. Reciprocal Demurrage.

Supplement No. 1, to Circular No. 106.

I am directed by the Board to request that all Boards of Trade, trade associations, and shippers who are interested in the hearing by the Board at Ottawa, April 15 next, of the question of the suggested application of so-called "Reciprocal Demurrage" in Canada, and have made complaints or representations to the Board in connection therewith, file with the Board, on or before March 25 next, full particulars of the alleged delays, or irregularities, upon which their complaints are based; these particulars to include car numbers, car initials, commodity, dates of shipment and arrival, points of shipment and destination, and name or names, of the carrier, or carriers, together with facts pertinent to the said complaints.

A copy of such statement of particulars should be forwarded by the same mail to Mr. W. H. Biggar, general counsel, G.T.R., Montreal; Mr. E. W. Beatty, general solicitor, C.P.R., Montreal; or Mr. R. H. M. Temple, assistant solicitor, C.N.R., Toronto; as the case may be, where either of these three companies is concerned.

If the complaint is against any other railway, the copy should be forwarded to Mr. J. E. Duval, manager, Canadian Car Service Bureau, Montreal, P.Q.

By order of the Board,

A. D. CARTWRIGHT,
Secretary.

The question is one in which a large number of boards of Trade, as well as railway companies are interested, and the Board expresses the hope that all parties will be in a position to proceed with the matter on April 15, so that a final decision may be arrived at, at an early date.

REGULATIONS FOR THE PREVENTION OF FIRES.

The question of the prescribing of regulations for the prevention of fire generally, came before the Board in connection with the application of the Lands Department of the Government of British Columbia for an order regulating the operation of railway locomotives within the province, having regard to the spreading of fire upon lands adjoining the railway companies rights of way. At sittings held in Toronto, on the 30th of April, 1912, and Ottawa, May 13, 1912, the matter came up before the Board for final discussion, in the presence of counsel for the province of British Columbia, the Canadian Pacific Railway, the Grand Trunk Pacific Railway, the Grand Trunk Railway, and the Canadian Northern Railway Companies, the Conservation Commission, and the Canadian Forestry Association, the Dominion Forestry Reserves being also represented. In pursuance of the hearing, the Board, on May 22, issued a general order dealing with the matter as follows:—

Order No. 16570.

Upon the hearing of the application at the sittings of the Board held in the city of Toronto on April 30, 1912, the Government of the Province of British Columbia, the Canadian Pacific Railway Company, the Grand Trunk Pacific, the Grand Trunk

and the Canadian Northern Railway Companies, the Conservation Commission and the Canadian Forestry Association being represented by counsel at the hearing, the Dominion Forestry Reserves also being represented, and what was alleged; and upon the reading of what has been filed on behalf of the interests affected, and in pursuance of all the powers conferred upon the Board by sections 30 and 269 of the Railway Act and all other powers, possessed by it in that behalf.

It is ordered as follows:—

1. Order No. 3245, dated July 4, 1907; order No. 3465, dated August 14, 1907; order No. 8903, dated December 15, 1909; and order No. 15995, dated February 16, 1912, be, and they are hereby rescinded.

2. Until further order, every railway subject to the legislative authority of the Parliament of Canada, under construction, or being operated by steam, shall, unless exempted by a special order of the Board, cause every locomotive engine used on the said railway, or portion of railway, being constructed or operated by it, to be fitted and kept fitted with netting mesh as hereinafter set forth, namely:—

(a) On every engine equipped with an extension smoke box, the mesh shall not be larger than $2\frac{1}{2}$ by $2\frac{1}{2}$ per inch of No. 10 Birmingham wire gauge, and shall be placed in the smoke box so as to extend completely over the aperture through which the smoke ascends, the openings of the said mesh not to exceed a quarter of an inch and one sixty-fourth (that is, seventeen sixty-fourths) of an inch to the square.

(b) On every engine equipped with a diamond stack, the mesh shall be not more than 3 by 3 per inch of No. 10 Birmingham wire gauge, and shall be placed at the flare of the diamond of the stack, so as to cover the same completely, the openings of the said mesh not to exceed three-sixteenths and one sixty-fourth (that is, thirteen sixty-fourths) of an inch to the square.

3. Every such railway company shall cause:—

(a) The openings of the ash-pans on every locomotive engine used on the railway, or portion of railway, operated or being constructed by it, to be covered, when practicable, with heavy sheet iron dampers; and, if not practicable, with screen netting dampers $2\frac{1}{2}$ by $2\frac{1}{2}$ per inch of No. 10 Birmingham wire gauge—such dampers to be fastened either by a heavy spring or by a split cotter and pins—or by such other method as may be approved by the Board.

(b) Overflow pipes from lifting injectors, or from water pipes from injector-delivery pipe, or from boiler, to be put into the front and back part of the ash pans and used from the first day of April to the first day of November, or during such portion of this period as the Board may prescribe, for wetting ash pans.

4. Every such railway company shall provide inspectors at terminal or divisional points where its locomotive engines are housed and repaired; and cause them, in addition to the duties to which they may be assigned by the officials of the railway companies in charge of such terminal or divisional points:—

(a) To examine, at least once a week—

- (1) The nettings;
- (2) Dead plates;
- (3) Ash pans;
- (4) Dampers;
- (5) Slides; and
- (6) Any other fire-protective appliance or appliances used on any and all engines running into the said terminal or divisional points.

(b) To keep a record of every inspection in a book to be furnished by the railway company for the purpose, showing—

- (1) The numbers of the engines inspected;
- (2) The date and hour of day of such inspection;

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- (3) The condition of the said fire-protective appliances and arrangements; and
- (4) A record of repairs made in any of the above mentioned fire-protective appliances.

The said book to be open for inspection by the chief fire inspector or other authorized officer of the Board.

(c) In case any of the said fire-protective appliances in any locomotive are found to be defective, said locomotive shall be removed from service, and shall not (during said prescribed period) be returned to service, unless and until such defects are remedied.

(d) Every such railway company shall also appoint one or more special inspectors, as may be needed, whose duties shall be to make an independent examination of the fire-protective appliances on all the locomotives of such company, at least once each month, and report the conditions of such fire-protective appliances direct to the chief mechanical officer of the railway company, or other chief officer, held responsible for the condition of the motive power of the said company.

5. Any authorized officer of the Board shall have power to inspect at any time any and all locomotives, and may remove from service any locomotive which is found to be defective in the said fire-protective appliances; and any such locomotive so removed from service, shall not (during the said prescribed period) be returned to service, unless and until such defects are remedied.

6. No employee of any such railway company shall:—

(a) Do, or in any way cause, damage to the netting on the engine smoke-stack or to the netting in the front end of such engine;

(b) Open the back dampers of such engine while running ahead, or the front dampers while running tender first;

(c) Or otherwise do or cause damage or injury to any of the fire-protective appliances on the said engine.

7. No such railway company shall permit fire, live coals, or ashes, to be deposited upon its tracks or right of way outside of the yard limits, unless they are extinguished immediately thereafter.

8. No such railway company shall burn lignite coal on its locomotive engines as fuel for transportation purposes unless otherwise ordered by the Board—lignite coal consisting of and including all varieties of coal between peat and bituminous, with a carbon-hydrogen ratio of 11.2 or less, such ratio being based on analysis of air-dried coal.

9. Every such railway company shall establish and maintain fire-guards along the route of its railway as the chief fire inspector may prescribe. The nature, extent, establishment, and maintenance of such fire-guards shall be determined as follows:—

(a) The chief fire inspector shall each year prepare and submit to every such railway company a statement of the measures necessary for establishing and maintaining the routes of such railways in a condition safe from fire, so far as may be practicable.

(b) Said measures may provide for the cutting and disposal by fire, or otherwise, of all or any growth of an inflammable character, and the burning or other disposal of debris and litter, on a strip of sufficient width on one or both sides of the track; the ploughing or digging of land in strips of sufficient width on one or both sides of the track; and such other work as may, under the existing local conditions and at reasonable expense, tend to reduce to a minimum the occurrence and spread of fire.

(c) Said statements of the chief fire inspector shall be so arranged as to deal with and prescribe measures for each separate portion of such railway upon and adjacent to which the fire risk calls for specific treatment. The intention shall be to adjust the protective measures to the local conditions and to make the expense proportionate to the fire risk and the possible damage.

(d) Said statements of the chief fire inspector shall prescribe dates on or within which the foregoing protective measures shall be commenced and completed, and the fire-guards maintained in a clean and safe condition.

(e) No such railway company shall permit its employees, agents or contractors to enter upon land under cultivation to construct fire-guards, without the consent of the owner or occupant of such land.

(f) Whenever the owner or occupant of such land objects to the construction of fire-guards, on the ground that the said construction would involve unreasonable loss or damage to property, the company shall at once refer the matter to the Board, giving full particulars thereof, and shall in the meantime refrain from proceeding with the work.

(g) No agent, employee, or contractor of any such railway company, shall permit gates to be left open or to cut or leave fences down whereby stock or crops may be injured, or do any other unnecessary damage to property, in the construction of fire-guards.

10. In carrying out the provisions of section 297 of the Railway Act, which enacts that "the company shall at all times maintain and keep its right of way free from dead or dry grass, weeds, and other unnecessary combustible matter," no such railway company or its agents, employees, or contractors shall, between the first day of April and the first day of November, burn, or cause to be burned, any ties, cuttings, debris, or litter upon or near its right of way, except under such supervision as will prevent such fires from spreading beyond the strip being cleared. The chief fire inspector or other authorized officer of the Board may require that no such burning be done along specified portions of the line of any such railway, except with the written permission or under the direction of the chief fire inspector or other authorized officer of the Board.

11. The railway company shall provide and maintain a force of fire-rangers fit and sufficient for efficient patrol and fire-fighting duty during the period from the first day of April to the first day of November of each year; and the methods of such force shall be subject to the supervision and direction of the chief fire inspector or other authorized officer of the Board.

12. The chief fire inspector shall, each year, prepare and submit to each and every railway company a statement of the measures such railway companies shall take for the establishment and maintenance of said specially organized force. Said statements among other matters may provide for—

(a) The number of men to be employed on the said force, their location and general duties and the methods and frequency of the patrol;

(b) The acquisition and location of necessary equipment for transporting the said force from place to place, and the acquisition and distribution of suitable fire-fighting tools; and

(c) Any other measures which are considered by him to be essential for the immediate control of fire and may be adopted at reasonable expense.

13. Whenever and while all the locomotive engines used upon any such railway, or any portion of it, burn nothing but oil as fuel, during the aforesaid prescribed period, under such conditions as the Board may approve, the Board will relieve the said railway of such portions of these regulations as may seem to it safe and expedient.

14. The sectionmen and other employees, agents and contractors of every such railway company shall take measures to report and extinguish fires on or near the right of way, as follows:—

(a) Conductors, engineers or trainmen who discover or receive notice of the existence and location of a fire burning upon or near the right of way, or of a fire which threatens land adjacent to the right of way, shall report the same to the agent or persons in charge at the next point at which there shall be communication by telegraph or telephone, and to the first section employees passed. Notice of such fire shall be also given immediately by a system of warning whistles.

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(b) It shall be the duty of the agent or person so informed to notify immediately the nearest forest officer and the nearest section employees of the railway, of the existence and location of such fire.

(c) When fire is discovered, presumably started by the railway, such sectionmen or other employees of the railway as are available shall either independently or at the request of any authorized forest officer proceed to the fire immediately and take action to extinguish it; provided such sectionmen or other employees are not at the time engaged in labours immediately necessary to the safety of trains.

(d) In case the sectionmen or other employees available are not a sufficient force to extinguish the fire promptly, the railway company shall, either independently or at the request of any authorized forest officer, employ such other labourers as may be necessary to extinguish the fire; and as soon as a sufficient number of men, other than the sectionmen and regular employees are obtained, the sectionmen and other regular employees shall be allowed to resume their regular duties.

NOTE.—Any fire starting or burning within 300 feet of the railway track, shall be presumed to have started from the railway, unless proof to the contrary is furnished.

15. Every such railway company shall give particular instructions to its employees in relation to the foregoing regulations, and shall cause appropriate notices to be posted at all stations along its line of railway.

16. Every such railway company allowing or permitting the violation of, or in any respect, contravening or failing to obey any of the foregoing regulations, shall, in addition to any other liability which the said company may have incurred, be subject to a penalty of one hundred dollars for every such offence.

17. If any employee or any person included in the said regulations, fails or neglects to obey the same, or any of them, he shall, in addition to any other liability which he may have incurred, be subject to a penalty of twenty-five dollars for every such offence.

D'ARCY SCOTT,
Assistant Chief Commissioner.

This order was printed and widely circulated, being sent to all railways subject to the Board's jurisdiction. Subsequently, in pursuance of a report of the Board's chief fire inspector, a circular was prepared under date of February 22, 1913, dealing with the proposed amendment of clause 15, in the said order No. 16570.

The following was the circular issued:—

BOARD OF RY. COM. FOR CANADA, Feb. 22, 1913.

Circular No. 108.

File 4741—Part 3. *Re* instructions to employees regarding fire protection under order No. 16570.

DEAR SIR,—I am directed by the Board to inform you that it has under consideration the amendment of regulation 15 of order No. 16570, to read as follows:—

Every such railway company shall give particular instructions to its employees in relation to the foregoing regulations, and shall cause such instructions to be posted and maintained at all stations, terminals and section houses along its lines of railway. Said instructions to employees shall also be included in the employees' time tables in use between April 1 and November 1 of each year. As to lines or portions of lines where in its judgment the fire danger is not material, the Board may, upon application, waive the requirements as to the posting of public notices and the inclusion of special instructions in employees time tables.

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I am further directed to request that you submit to the Board in writing, within thirty days, any statement you may desire to make in this matter.

There is enclosed a tentative draft of instructions which may be used, if desired as a basis for the preparation of special instructions to employees, as required in said regulation 15 of order No. 16570. The issuance of these particular instructions is not prescribed. It is, however, considered essential that the instructions to be issued shall embody the substance of regulations 6, 7, 10, 14, and 17 of order No. 16570.

Yours truly,

A. D. CARTWRIGHT,
Secretary.

WORKING INSTRUCTIONS IN CONNECTION WITH ORDER No. 16,570 OF
THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA, DATED
MAY 22, 1912.

To Enginemen, Conductors, Brakemen and Firemen:

It shall be the duty of train and engine crews on freight and passenger trains, when discovering a fire on or adjoining the right of way of the railway company, to stop and use every effort to extinguish such fire. In the event of this being impracticable, either by reason of the extent of the fire or its distance from the right of way, the train shall proceed to the first telegraph station, where the conductor shall wire a report to the superintendent, giving the exact location of the fire, and the action taken by engine and train crews concerning same. It shall also be the duty of enginemen to stop and notify the first section gang passed, regarding any fire not extinguished as above.

No employee shall do or cause damage or injury to any of the fire-protective appliances on any engine; open the back dampers of any engine while running ahead, or the front dampers while running tender first; or permit fire, live coals, or ashes to be deposited on tracks or rights of way outside of yard limits, unless the same are extinguished immediately thereafter.

To Agents:

Enginemen and conductors of all trains have received instructions to report fire along the right of way and adjacent thereto, and it shall be your duty to notify the local fire inspector of the railway Commission immediately, giving the exact location of the fire and its extent, and forthwith wire the superintendent, giving the location of the fire, the extent of the same, and any other information which may be of value, particularly as to the number of men needed to extinguish the fire.

To Roadmasters, Assistant Roadmasters, Master Carpenters, and other Officials:

In cases where fires are reported, it shall be the duty of any division official to proceed to the scene of the fire as quickly as possible and take charge of the work of fire fighting until he can be relieved by the Division Roadmaster. The man first on the ground should organize his men to do the best work possible; and, when this is done, he should immediately proceed to investigate the origin of the fire, and fix the location where it started; get statements from all witnesses, and make every effort to learn the origin and fix the responsibility. The law, as now interpreted, practically makes this company responsible for fires starting within three hundred feet of the track, unless it can be shown that the company is not responsible. It is necessary, therefore, to determine positively the origin, in order to relieve the railway company of the responsibility. The first officer on the ground should endeavour to hold a joint investigation with the local fire inspector of the Railway Commission, or other local forestry officer, and agree upon the origin of the fire. This will avoid disputes later on.

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To Chief Dispatchers:

In all cases where fires are reported, it will be the duty of the dispatcher to get full information as to the extent of such fire, its location, and the number of men necessary to fight it. It will also be the duty of the dispatcher to furnish whatever train service may be required to move extra gangs, section gangs, or bridge crews, to the fire immediately, giving this movement preference if the emergency requires it.

To Sectionmen, Extra Gangs, and Bridge Foremen:

In all cases where fire occurs, it shall be the duty of all section crews, extra gangs and bridge crews to proceed immediately to such fires, and extinguish same, remaining as long as may be necessary to do this: and it must be understood that this is the most important work that can be done, and that the carrying out of your work, though it may be important, must be set aside until the fire is extinguished. The section foreman on whose section the fire occurs, shall, in the absence of an official of the company, make a thorough investigation regarding the origin of the fire, and submit a full report to the roadmaster.

Between April 1 and November 1, no ties, cuttings, debris, or litter upon or near the right of way shall be burned, except under such supervision as will prevent such fire from spreading beyond the strip being cleared. Officers of the Railway Commission may require that no such burning be done along specified portions of the line, except with the written permission or under the direction of such officer.

Penalty—(Reg. 17, Order 16570):

‘If any employee or other person included in the said regulations, fails or neglects to obey the same, or any of them, he shall, in addition to any other liability which he may have incurred, be subject to a penalty of twenty-five dollars for every such offence.’

As soon as replies are received to the circular the matter will come before the Board for further consideration.

FLAG STATIONS.

The Board has already dealt with this question by order No. 9160, dated January 6, 1910, which has been in force, as the date would indicate, a matter of some three years. The question, however, of whether or not a reduction should be made in the amount fixed by subsection four of the said order having been raised, the following circular was sent out under date of February 4, 1913, to all railway companies subject to the Board's jurisdiction:—

BOARD OF RY. COM. FOR CANADA, February 4, 1913.

Circular No. 105.

File.4205, Case 871, Flag Station.

DEAR SIR,—I am directed to inform you that at the sittings of the Board to be held in Ottawa on Tuesday, March 4, 1913, all railway companies subject to the jurisdiction of the Board will be required to show cause why clause 4 of the Board's Flag Station Order No. 9160, dated January 6, 1910, should not be amended so that the average earnings referred to in line 5 of said clause be \$12,000, instead of \$15,000, as at present.

By order of the Board.

A. D. CARTWRIGHT,
Secretary.

At the hearing referred to on March 4, 1913, after hearing counsel for the railway companies most directly interested, the Board decided to allow the order, as at present

in force to stand, but at the same time requested that certain information be furnished by the railway companies to the Board, and accordingly the following circular was issued:—

BOARD OF RY. COM. FOR CANADA, April 1, 1913.

Supplement No. 1 to Circular No. 105.

File 4205, Case 871, *re* Flag Stations.

DEAR SIR,—This matter came up for hearing at a sittings of the Board at Ottawa, Tuesday, March 4, when railway companies were required to show cause why clause 4 of the Board's Flag Station Order No. 9160, dated January 6, 1910, should not be amended so that the average earnings referred to in line 5 of said clause be \$12,000 instead of \$15,000, as at present.

The Board desires the following statistical information in connection with this matter:—

(1.) A statement of the stations where agents were put in in the year 1912 by the railway companies of their own volition.

(2.) A statement as to the amount of traffic, both freight and passenger, at each such station when the agent was installed.

(3.) Information as to the number of passengers, if possible, and also car-load business as distinguished from L.C.L., showing the comparative volume as well as the income arising therefrom.

Will you please see that this information is obtained and forwarded to me without delay.

By order of the Board.

A. D. CARTWRIGHT,
Secretary.

As soon as replies have been received to this circular the matter will again come before the Board for consideration.

HIGHWAY CROSSING SIGNALS.

This matter has already been under the consideration of the Board, and an order was issued dated February 7, 1911, (order No. 12915) dealing with the question of specifications for the installation of electric bell signals at highway crossings. The matter has been the subject of further consideration at the hands of the Board's electrical engineer and its chief engineer, who have recommended certain changes in the said general order No. 12915. The Board, having given the matter further consideration, decided to issue a new order superseding general order No. 12915, and the following order was issued and sent to all railways subject to the Board's jurisdiction:—

General Order No. 96. File No. 15382.

It is Ordered:

1. That until further notice the specifications for signals at highway crossings are and shall be as follows:—

Post.—The signal must be placed upon a post of suitable structural material. If the post is made of wood, it must be of sound timber not less than 8 by 8 inches and 18 feet long, and shall be firmly set in the ground to a depth of four feet. If it is made of iron or steel, it shall be not less than 4 inches in diameter, shall extend at least twelve feet above the ground, and shall be firmly bolted to a concrete or other foundation constructed below the frost line.

Bell.—A bell which shall emit a clear, loud volume of sound under all weather conditions must be used.

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Sign.—A sign shall be placed on the same post as the bell with the word ‘danger’ upon it in letters not less than 6 inches in length, to be illuminated, so as to be plainly visible after sunset. There may be added to the post, if so desired, the railway crossing sign provided for by section 243 of the Railway Act.

Operation.—The bell and the illumination of the sign shall be controlled and operated automatically by the approach of trains, in such manner that only approaching trains shall operate the signal.

2. That any order of the Board providing for installation of a highway crossing signal and referring to “Standard specifications for highway crossing signals” be deemed as intended as a reference to the specifications herein approved and adopted.

3. That the said “Standard specifications for highway crossing signals” come into force the day of the date of this order, and apply to all highway crossing signals hereafter installed.

4. That the general order of the Board No. 12915, dated February 7, 1911, approving specifications for the installation of electric bell signals at highway crossings, be, and it is hereby, rescinded.

D'ARCY SCOTT,

Assitant Chief Commissioner.

LOCOMOTIVE ENGINES IN INTERNATIONAL TRAFFIC.

In connection with the handling of engines engaged in international traffic, the Board, having had the matter under the consideration of its operating officers, decided to issue a circular to the railways under the Board's jurisdiction, calling attention to certain requirements of the Board in regard to United States' engines running in international service. The following is the circular issued:—

BOARD OF RY. COM. FOR CANADA, OTTAWA, May 29, 1912.

Circular No. 88.

File 16513, Part 3, Locomotive

Engines in international traffic.

In view of the requirements of the Interstate Commerce Commission as regards the handling and care of locomotive boilers being uniform with requirements of the Board of Railway Commissioners for Canada, it has been decided that the following be the requirements of this Board regarding United States engines running in international service:

1. That the condition of the locomotive be such as to permit its operation under the boiler inspection rules approved by the Board of Railway Commissioners for Canada.

2. That a copy of form No. 1, or form No. 2, as required by the Interstate Commerce Commission rules and regulations, properly filled out, be placed under glass in the cab of the locomotive.

3. That not less than once each month, and within ten days after each inspection a report on inspection form No. 1, be filed with the chief operating officer of the Board of Railway Commissioners for Canada.

4. That a specification card, as called for by the rules and regulations of the Interstate Commerce Commission, be filed with the chief operating officer of the Board of Railway Commissioners for Canada.

5. That on withdrawal of a locomotive from operation in Canada, a notification card be sent to the chief operating officer of the Board of Railway Commissioners for Canada; such notification card not to relieve the railway company from making inspections, test, etc., and filing reports covering the period during which such engine operates in Canada.

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6. That monthly and annual reports which are filed with the chief operating officer of the Board of Railway Commissioners for Canada be on forms as required by the United States locomotive boiler inspection rules or forms required by the Board of Railway Commissioners for Canada.

By order of the Board.

A. D. CARTWRIGHT,
Secretary.

HEATING OF PASSENGER CARS.

The question of the heating of passenger cars is one that was brought to the attention of the Board in connection with complaints filed with it in this respect against certain railway companies, and the Board, at the suggestion of its chief operating officer, issued on June 11, 1912, the following circular to all railway companies subject to its jurisdiction:—

BOARD OF RY. COM. FOR CANADA, OTTAWA, June 11, 1912.

Circular No. 90.

File 19996, Heating of Passenger Cars.

You are hereby requested to prepare and forward to the Board within sixty days of the receipt of this circular, a statement showing the number of passenger cars on your system heated by stoves, and to what service assigned.

By order of the Board.

A. D. CARTWRIGHT,
Secretary.

The Board expects that the information furnished in reply to this circular will be useful to its officials in dealing with future complaints that may be filed with it.

SIGNALS AT HIGHWAY CROSSINGS.

The Board's attention having been called by its operating department to the failure of engineers to whistle for crossings as required by sections 274 and 392 of the Railway Act, the following circular, dated June 20, 1912, was issued to all railway companies subject to the Board's jurisdiction:—

BOARD OF RY. COM. FOR CANADA, OTTAWA, June 20, 1912.

Circular No. 91.

Signals at Highway Crossings, File 19837.

It has been brought to the Board's attention that section 274 of the Railway Act, quoted herewith, is not in every instance being complied with by engineers:—

Section 274.—"When any train is approaching a highway crossing at rail level the engine whistle shall be sounded at least eighty rods before reaching such crossing, and the bell shall be rung continuously from the time of the sounding of the whistle until the engine has crossed such highway.

"(2) This section shall not apply to trains approaching such crossing within the limits of cities or towns where municipal by-laws are in force prohibiting such sounding of the whistle and ringing of the bell."

Non-compliance with the above-mentioned section of the Act is a serious matter, and unless action is taken by your company to insure the law being

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complied with, the Board will be compelled to take action under section 391 of the Act, reading as follows:—

Section 391.—"The company shall incur a penalty of eight dollars if, when any train of the company is approaching a highway crossing at rail level—

"(a) the engine whistle is not sounded at least eighty rods before reaching such crossing; and

"(b) the bell is not rung continuously from the time of the sounding of the whistle until the engine has crossed the highway.

"(2) The company shall also be liable for all damage sustained by any person by reason of any failure or neglect to so sound the whistle or ring the bell.

"(3) This section shall not apply to trains approaching such crossings within the limits of cities or towns where municipal by-laws are in force prohibiting such sounding of the whistle and ringing of the bell."

By order of the Board.

A. D. CARTWRIGHT,
Secretary.

The Board expresses the hope that the circular will have the desired effect of causing the enginemen to pay close attention to the requirements of the Railway Act in this important particular. The Board feels that every precaution should be taken in this respect to prevent the possibility of accidents at level crossings.

Re MOTOR CARS.

Complaint having been made to the Board that motor cars on railways were not furnished with whistles or bells, the Board, on October 2, 1912, issued the following circular to all railway companies subject to its jurisdiction:—

BOARD OF RY. COM. FOR CANADA, October 2, 1912.

Circular No. 92.

File 20350, Re Motor Cars.

DEAR SIR,— I am directed to ask that you advise me within thirty (30) days from the date of this circular, how many motor cars your company has in use, showing the weight and speed of each car.

Yours truly,

A. D. CARTWRIGHT,
Secretary.

Practically all of the railway companies have filed replies to the circular, which are now on file with the Board for future reference and for any action that the Board may deem desirable in connection with this matter.

EQUIPMENT OF ELECTRIC CARS WITH AIR BRAKES.

This matter is one that has on a previous occasion engaged the attention of the Board. Order No. 10462, dated May 3, 1910, was issued directing that on or before June 1, 1911, all electric railway companies under the Board's jurisdiction should equip their rolling stock as therein specified with power brakes to be approved by the

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Board, in addition to hand brakes and proper standing appliances. The time within which the work should be completed was extended until February 1, 1912.

Subsequently on November 6, 1912, at the suggestion of the Board's operating department, the following circular was sent to all electric railway companies subject to the Board's jurisdiction:—

BOARD OF RY. COM. FOR CANADA, OTTAWA, Nov. 6, 1912.

Circular No. 95.

File 9610.—Equipment of Electric Cars with Air Brakes.

I am directed to ask that all electric railway companies subject to its jurisdiction, furnish the Board with a statement showing the condition of their equipment at present, so far as power brakes are concerned.

By Order of the Board,

A. D. CARTWRIGHT,
Secretary.

When information is received from all the companies the matter will receive further consideration at the hands of the Board.

LOCATION OF EMERGENCY VALVE ON PASSENGER EQUIPMENT.

The Board's chief operating officer having called attention to the fact that there was no uniform nor standard place where the emergency valve in passenger equipment on railways might be found, and suggesting the standardizing of the position of the emergency valve as being one of considerable importance. The Board, on December 27, 1912, issued the following circular:—

BOARD OF RY. COM. FOR CANADA, December 27, 1912.

Circular No. 101.

File 21174, Location of Emergency Valve on Passenger Equipment.

DEAR SIR,—I am directed to inform you that at the sittings of the Board to be held in Ottawa on Tuesday, January 7, 1913, the Board will consider the advisability of standardizing the position of the emergency valve on passenger equipment in use by steam railways subject to the jurisdiction of the Board.

By Order of the Board,

A. D. CARTWRIGHT,
Secretary.

The matter came before the Board for consideration at its sittings held in Ottawa on January 7, 1913, in the presence of counsel for the leading railway corporations and the Board decided, after hearing full discussion in the matter, not to take any action.

SHARP FLANGE WHEELS ON LOCOMOTIVES AND TENDERS.

The inspector of the Board's operating department having reported a number of locomotives with sharp flange wheels, and the Board being of the opinion that more attention should be given by officials of railway companies to the inspection of wheels, the following circular was issued, in accordance with the report of the Board's chief operating officer:—

SESSIONAL PAPER No. 20c

BOARD OF RY. COM. FOR CANADA, January 18, 1913.

Circular No. 102.

SHARP FLANGE WHEELS ON LOCOMOTIVES AND TENDERS.

The Board's inspectors are reporting quite a number of locomotives in service with sharp flanges on wheels of both locomotives and tenders, flanges in many instances being worn down to and below the Master Car Builders' standard allowance gauge.

Some of these locomotives are running on fast passenger trains; and while it is expected that freight cars may sometimes be found with flanges on wheels in the condition described above, it does not seem reasonable or safe to allow locomotives in service with wheel flanges worn so badly that they would not be accepted on cars at interchange points.

The Board would therefore urge upon you the importance of issuing to those in charge of the motive power on your lines of railway such instructions as will ensure change of wheels before flanges are so badly worn as to come under the M.C.B. standard defect gauge.

By order of the Board.

A. D. CARTWRIGHT,
Secretary.

The Board trusts that this circular will have the desired effect, and do away with cause for further complaint in this connection.

INJURIES TO ENGINEMEN THROUGH DERAILMENT WHILE RUNNING
ENGINES TENDER FIRST.

The attention of the Board having been called by its chief operating officer to the number of injuries to enginemen, in some cases fatal, due to engines being derailed while running tender first, and considering the matter as one calling for serious consideration by the Board, the Board issued, under date of January 3, 1913, the following circular in the matter:—

BOARD OF RY. COM. FOR CANADA, January 3, 1913.

Circular No. 103.

File 21173. Injuries to Enginemen through Derailment while running engine tender first.

The Board has been impressed with the number of injuries to enginemen (in some cases fatal) apparently due to engines being run tender first at excessive rates of speed; and hence the Board directs that all steam railways subject to the jurisdiction of the Board issue instructions requiring that engines running tender first "other than suburban tank engines equipped with pilot on tender," shall not exceed a speed of twenty miles per hour, and that a copy of such instructions be filed with the Board.

By order of the Board.

A. D. CARTWRIGHT,
Secretary.

This circular was sent to all railway companies subject to the Board's jurisdiction. The Board has received a large number of replies in response to the said circular, enclosing copies of instructions issued to railway companies' employees in accordance therewith.

It should be stated that the Canadian Pacific Railway Company had already issued in this connection a circular regulating the speed of engines while running tender first, under date of November 11, 1912.

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PROTECTION TO CAR REPAIRERS WHILE AT WORK ON REPAIR TRACKS.

The Board's attention having been directed by the chief operating officer to the fact that a number of accidents have occurred to car repairers while engaged in repairing tracks, and the allegation having been made in each case investigated, that the car repairers took the necessary precaution to protect themselves by setting out a blue flag, the Board decided, with the end in view of protecting car repairers, to send out the following circular, so that the matter might be fully discussed at a meeting of the Board:—

BOARD OF RY. COM. FOR CANADA, November 12, 1912.

Circular No. 98.

File 20847. Protection to car repairers while at work on repair tracks.

The Board's attention has been called to several accidents which have recently taken place wherein car repairers have met with serious injury while working on repair tracks, and I am directed to state that all railway companies subject to the jurisdiction of the Board will at the sittings to be held in Ottawa on Tuesday, December 3, 1912, be called upon to speak to the question of providing more efficient protection to car repairers working on repair tracks and to ask the companies to be prepared with suggestions and for general discussion of the question on that date.

By order of the Board.

A. D. CARTWRIGHT,
Secretary.

The matter accordingly came up for discussion at the sittings of the Board on the 3rd of December in Ottawa, in the presence of representatives for the railway employees and counsel for the railway companies interested, and the Board, after hearing all parties, reserved judgment. On the 9th of January the Board issued the following circular letter to all railway companies subject to its jurisdiction:—

BOARD OF RY. COM. FOR CANADA, January 13, 1913.

Supplement No. 1 to Circular No. 98.

File 20847. Protection to car repairers while at work on repair tracks.

I am directed by the Board to ask that railway companies subject to the Board's jurisdiction file, within sixty days, a statement giving the name of each point at which car repairers are located, and explaining the manner in which car repair tracks at such points are now protected.

By order of the Board.

A. D. CARTWRIGHT,
Secretary.

In response to this circular a number of replies have been received from the railway companies. The further consideration of the matter by the Board's operating department resulted in the Board's sending out the following circular under date of the 17th of March:—

SESSIONAL PAPER No. 20c

BOARD OF RY. COM. FOR CANADA, March 17, 1913.

Supplement No. 2 to Circular No. 98.

File 20847. Protection to car repairers.

DEAR SIR,—This matter was the subject of a general discussion at a sittings of the Board held at Ottawa on December 3 last.

The present practice of using a flag for protection purposes is considered very unsatisfactory and a simple device, as set forth in the attached diagram, has been suggested for use. This could be made of light steel, or wood, made so as to fold up, and when opened up can hang on the ladder rungs by hooks, as shown by sketch "A" on the sketch. The disk could project eighteen inches beyond the car and be ten inches in depth, with a hook on the bottom side for hanging a lantern for night use. This disk would not be subject to the caprice of the wind as a flag would, and would be readily discernable for the full length of any ordinary train. Furthermore, as it can be so easily applied, there will be no excuse for failure of employees to neglect its use.

The Board will be glad if the railway companies will give this suggestion careful consideration and let the Board have their views thereon as early as possible.

Yours truly,

A. D. CARTWRIGHT,
Secretary.

As soon as replies have been received to the above circular, the matter will then come before the Board for further consideration.

PROTECTION OF RAILWAY EMPLOYEES.

As already stated, this is a matter that has received previous attention at the hands of the Board, and in connection with which an order has been issued under date of November 9, 1910 (Order No. 12225).

In connection with clause 1 of subsection *d* of section 8 of this order, the Board's operating department being of the opinion that in a good many cases the order has not been complied with, the Board, under date of December 3, 1912, decided to issue the following circular:—

BOARD OF RY. COM. FOR CANADA, December 3, 1912.

Circular No. 100.

File 1750.18—Order No. 12225.
Protection of railway employees.

I am directed by the Board to call the attention of the railway companies subject to its jurisdiction, to the requirements of clause 1, sub-section "*d*," section 8, of order No. 12225, whereby—

"Semaphores, signals, poles, or high or intermediate switchstands shall, within two years from the date of this order (November 9, 1910) be either removed or changed so that the same shall not be nearer than six feet from the gauge side of the nearest rail; or high and intermediate switchstands shall be changed to low or dwarf switchstands;"

and to ask that you advise, within thirty days of the receipt of this circular, what action has been taken towards carrying out the said order of the Board.

By order of the Board.

A. D. CARTWRIGHT,
Secretary.

A number of replies have been filed in response to this circular, and the matter is now receiving the attention of the Board.

JUDGMENTS OF THE BOARD.

The summary of the principal judgments of the Board prepared by the law clerk, Mr. A. G. Blair, will be found under Appendix "C."

ROUTINE WORK OF THE BOARD.

RECORD DEPARTMENT.

Since the publication of the last Annual Report of the Board the following additions have been made to the clerical staff of this department: J. P. Carruthers, F. A. Edwards, and J. V. Lajoie, clerks. The increase in the staff was rendered necessary to keep pace with the increasing work of the Board. A table is given below setting forth the number of applications, informal complaints, filings and letters received during the year ending March 31, 1913, together with the number of orders issued.

Number of applications made.. . . .	4,842
" informal complaints made.. . . .	909
Total number of files made during the year.. . . .	5,751
" " previous year.. . . .	6,084
Decrease.. . . .	333
Number of files received during the year.. . . .	44,570
" " previous year.. . . .	46,736
Decrease.. . . .	2,176
Number of letters sent during the year.. . . .	37,773
" " previous year.. . . .	36,166
Increase.. . . .	1,607
Number of Orders issued during the year.. . . .	2,785
" " previous year.. . . .	2,871
Decrease.. . . .	86

Under Appendix 'J' will be found a table classifying the applications, complaints, &c., made to the Board under the various sections of the Railway Act, compiled by Mr. F. R. Demers, clerk in charge of the Statistical Branch.

INFORMAL COMPLAINTS.

Attention is again directed to the number of informal complaints dealt with by the Board, of which there were 909 received for the year ending March 31, 1913, as compared with 787 for the year ending March 31, 1912, an increase of 122 for the year. A detailed statement of these complaints, disposed of without a formal hearing by the Board, will be found under Appendix 'A.'

GENERAL ORDERS AND CIRCULARS OF THE BOARD.

Under Appendix 'L' will be found the general orders and circulars of the Board, issued for the year ending March 31, 1913. In addition to this a pamphlet has been prepared by Mr. A. E. Ecclestone, Chief Clerk of the Secretary's Department, covering all the general orders and circulars of the Board from its inception to November 1, 1912, carefully indexed under subjects and numbers, which it is to be hoped will be found useful to all who have occasion to refer to the Board's general orders and circulars. This pamphlet will be revised from time to time as occasion requires.

SECRETARY'S DEPARTMENT.

The following changes have taken place since the publication of the last Annual Report in connection with the staff of the Secretary's Department:—

Mr. R. W. Empey resigned, his place being filled by the appointment of P. Hollington.

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Mr. R. J. White was transferred to the Fire Inspection Department of the Board, Mr. J. Timmins being appointed in his place.

Miss E. H. Barber was transferred to the Engineering Department of the Board at Calgary, Alta., and the vacancy created was filled by the appointment of Miss C. L. Gamble.

Miss M. Vaughan was transferred to act as secretary and stenographer to Commissioner McLean, the vacancy created being filled by the appointment of Mrs. L. Murphy.

Miss E. MacGuire, who has been temporarily employed by the Board, has been permanently taken on the staff.

TRAFFIC DEPARTMENT.

In connection with this department, the following changes have taken place during the year:—

Mr. C. M. B. Chapman resigned his position on the 31st of December, 1912, the vacancy thus created being filled by the appointment of Mr. A. B. Drum, as clerk, under Order in Council, dated February 6, 1913.

The statement of the freight and passenger tariffs and express schedules filed with the Board between April 1, 1912, and March 31, 1913, will be found in conjunction with the report of the Chief Traffic Officer of the Board under Appendix "B."

ENGINEERING DEPARTMENT.

It having been found necessary to employ stenographic help for Assistant Engineer A. T. Kerr, stationed at Calgary, Miss E. A. H. Barber was transferred from Ottawa to Calgary. Miss Barber's services were also required in connection with the operating officer of the Board stationed at Calgary.

The list of examinations and inspections made by the Engineering Department during the year ending March 31, 1913, will be found under Appendix "F."

OPERATING DEPARTMENT.

The Board has found it necessary in connection with the effective carrying on of the Operating Department, to make a considerable number of additions to the number of inspectors, the work in this department having greatly increased during the past year. The following additional appointments were made:—

Mr. A. E. Hudson, as locomotive inspector, under Order in Council, dated May 3, 1912.

Mr. L. D. Gillett, as locomotive inspector, under Order in Council, dated May 3, 1912.

Mr. J. Gardner, as locomotive inspector, under Order in Council, dated May 3, 1912.

Mr. Tiffin Harris, as inspector, under Order in Council, dated May 3, 1912.

It will be noted that the extent of territory covered by the Operating Department is large and that in order to efficiently carry out the work of the department a large and efficient staff is necessary. The following further additions were made to the clerical staff:—

Mr. T. G. Brittain, as clerk, transferred from the Record Department of the Board.

Mr. T. E. Dunsmore, as clerk.

Mr. C. M. Parker, as clerk, to fill the vacancy created by the resignation of Mr. N. F. O'Connor.

Miss M. H. Scroggie, as stenographer, in connection with the Toronto branch of the Operating Department.

The report of the Chief Operating Officer of the Board for the year ending March 31, 1912, will be found under Appendix "F."

FIRE INSPECTION DEPARTMENT.

A special Fire Inspection Department has been organized in connection with the Board, following the issuance of order 16570, and as a result of a co-operative arrangement entered into with the Commission of Conservation. On January 1, 1913, Mr. Clyde Leavitt was appointed chief fire inspector to the Board, by Order in Council, he having served temporarily in that capacity since May, 1912. On February 6, 1913, Mr. H. C. Johnson was appointed fire inspector, to assist the chief fire inspector in supervising the work of the department from the Ottawa office. Mr. R. J. White was appointed on the 3rd of February, 1913, chief clerk in the department, he having been transferred from the Secretary's Department. Arrangements have also been entered into with the Forestry and Fire Protection branches of the Dominion and Provincial Governments whereby certain officials of said Forestry and Fire Protection branches have been appointed fire inspectors on the Board's staff, without expense to the Board. The department, as will be readily seen by reference to the report of the chief fire inspector under Appendix "H," is an important one, and the amount of territory covered is very large. This may necessitate some further additions to this department of the Board's staff in order to effectively carry on the work of the department.

OBITUARY.

Since the publication of the last Annual Report the Board has sustained a great loss in the death of the Honourable James Pitt Mabee, K.C., Chief Commissioner, who was stricken down with an attack of appendicitis while presiding at a sittings of the Board in Toronto, on the 29th of April, 1912, and died after a brief illness, at the early age of fifty-two. In his untimely death, not only this Board, but the country at large have been deprived of the valued services of one who, from his desire to deal fairly with all parties, his quick insight into matters submitted for the Board's consideration, and his commonsense methods in dealing with all such matters had achieved an enviable position with all classes throughout the Dominion. While appreciating the necessity of certain rules of evidence and precedents in courts, he never permitted legal technicalities to stand in the way of what, in his judgment, he considered fair, right and just in the interests not only of individuals and associations having recourse to the Board for interpretation of their rights, as against railway corporations, but in the case of railway corporations themselves, where their rights, he felt, should be protected against unreasonable or unjust demands. He, like his predecessor, the Honourable Mr. Killam, brought with him to the Board a valuable experience gained on the Bench, which proved of great assistance in the administration of his duties as Chief Commissioner. The Board feels that it is difficult to express in fitting language a just appreciation of his services and of the loss sustained. The vacancy caused by his death was filled on the 29th day of June, 1912, by the appointment of Henry Lamley Drayton, K.C., who resigned office as counsel for the city of Toronto to become Chief Commissioner to the Board.

APPENDIX "A."

LIST OF COMPLAINTS FILED WITH THE BOARD OF RAILWAY COMMISSIONERS, YEAR ENDING MARCH 31, 1913.

2927. Lack of a permanent agent at Meota, Sask., on the Canadian Northern railway.

2928. Increased rate on pressed brick from Bradford, Pennsylvania, to Windsor, Ont.

2929. Excessive freight charges on machinery shipped from Rutland, Vt., to Calgary, Alta., via the Canadian Pacific railway.

2930. Refusal of the Quebec Oriental Railway Company to accept for shipment two cars of potatoes at New Carlisle, Que.

2931. Excessive speed of the Canadian Pacific Railway Company's trains passing along Main street in the city of Kamloops, B.C.

2932. Dangerous level crossing over the Canadian Pacific railway, near the station at Sturgeon Falls, Ont.

2933. Dangerous level crossing over the Grand Trunk railway at Erie street, Stratford, Ont.

2934. Failure of the Atlantic and Lake Superior Railway Company to run trains between New Carlisle and Grand River for thirteen days.

2935. Canadian Pacific Railway Company, for diverting to the Dominion Express Company, after accepting it for shipment by freight, a box of personal effects from St. Agathe, Que., to Saskatoon, Sask.

2936. Refusal of the Canadian Pacific Railway Company to accept a shipment of lumber loaded in one of their cars, at Shawville, Que., billed to Russell, Ont., on the Ottawa and New York railway.

2937. Blocking of a farm crossing at Huntingdon, Que., by the Grand Trunk and New York Central and Hudson River Railway Companies.

2938. Delay of the Canadian Northern Railway Company in settling for right of way and damages caused on complainant's farm at Blackfalds, Alta.

2939. Refusal of the Canadian Pacific Railway Company to compensate complainant for horses killed on their line near Marquis, Sask.

2940. Refusal of the Esquimalt and Nanaimo Railway Company to handle private coal cars over their main line.

2941. Delay of a railway company in settling claim for a refund on a shipment of lumber from Bracebridge to Sheddon, Ont.

2942. Canadian Pacific Railway Company, for not furnishing cars for grain at C.N.R. elevator, Port Arthur, necessitating grain being loaded in C.N.R. cars to Fort William and then transhipped to C.P.R. cars at the latter point.

2943. Dangerous level crossing over the Canadian Pacific railway at Chambers street, Smiths Falls, Ont.

2944. Dangerous level crossing over the Toronto, Hamilton and Buffalo railway just west of station at Vinemount, Ont.

2945. Dangerous level crossing over the Toronto, Hamilton and Buffalo railway about two hundred yards west of the station at Vinemount, Ont.

2946. Defective fencing on the line of the Temiscouata Railway Company in the vicinity of Clair, N.B.

2947. Delay to a shipment of grain from Kenaston, Sask., to Hillsburg, Ont., via the Canadian Northern and Canadian Pacific railways.

2948. Refusal of the Canadian Pacific Railway Company to change location of a farm crossing at Griffin, Sask.

2949. Dangerous level crossing over the Grand Trunk railway, one mile south of Londesborough, Ont.

2950. Failure of the Canadian Northern Railway Company to supply cars for loading grain at Fenton, Sask.

2951. Freight charges on a carload of settler's effects, including an automobile, shipped from Flesherton, Ont., to Griffin, Sask., via the Canadian Pacific railway.

2952. Lack of proper station accommodation at Cote St. Louis, on the line of the Canadian Pacific Railway Company.

2953. Shortage of cars on the Waltham branch of the Canadian Pacific Railway Company for hay shipments to points in the United States.

2954. Removal of cattle guards and planks at crossings during the winter months, by the Canadian Pacific Railway Company, in the vicinity of Fillmore, Sask.

2955. Alleged excessive charge by the Canadian Express Company on a shipment of envelopes from Toronto, Ont., to Montreal, Que.

2956. Refusal of the Canadian Northern Railway Company to fence right of way on their Brazeau branch, through complainant's farm in the southeast quarter of section 28-38-21, W. 4 M., B.C.

2957. Insufficient car supply of the Grand Trunk Railway Company, for the shipment of hay from the district of Ste. Martine, Que.

2958. Tolls charged by the Canadian Pacific Railway Company for switching traffic, in carloads, originating at, or destined to, points on the Grand Trunk, Quebec Central and Intercolonial railways between the ferry dock and tracks and sidings in the city of Quebec, Que.

2959. Order of the Board, with regard to railway companies not accepting milk cans, filled or empty, of less than eight gallons' capacity.

2960. Bell Telephone Company's objection to the centralizing of a telephone system at Laird, Ont.

2961. Train service and equipment on the Grand Trunk railway between Port Covington and Montreal.

2962. Refusal of the Canadian Pacific Railway Company to compensate complainant for loss of cow killed on their right of way at Bow Island, Alta., owing to lack of cattle-guard protection.

2963. Refusal of the Canadian Pacific Railway Company to allow complainant to use space near spur at Arden Station, Ont., for piling purposes.

2964. Dangerous level crossing over the Grand Trunk railway at Thornton, Ont.

2965. Dangerous level crossing over the Grand Trunk railway at Thornton, Ont.

2966. Dangerous level crossing over the Grand Trunk railway at road between lots 4 and 5, directly east of the station at Winona, Ont.

2967. Tolls charged by the Canadian Pacific Railway Company for switching traffic in carloads, between the ferry dock and tracks and sidings in the city of Quebec, Que.

2968. Damage caused to farm land in the vicinity of Rainy River, Ont., owing to the construction of the Canadian Northern Railway Company's right of way blocking the ditches, etc.

2969. Inadequate station accommodation of the Grand Trunk Railway Company at Hensall, Ont.

2970. Unsatisfactory service of the American Express Company at Welland, Ont.

2971. Canadian Express Company's rate on shoes, Georgetown, Ont., to Winnipeg, Man., being higher than the Dominion Express Company's rate from a competitive point eight miles farther away.

2972. Cancellation of arrangement whereby night press despatches from St. John, N.B., to Yarmouth, N.S., were transmitted by the Western Union Telegraph

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Company in the morning, at night rates, owing to the office at Yarmouth being closed at night.

2973. Grand Trunk Railway Company's station at Beauharnois, Que., not being kept warm during the winter months.

2974. Damage to land by the Canadian Pacific Railway Company in the north-west quarter of section 16-2-23, W. 4 M., Alta.

2975. Lack of a night lettergram service by the Grand Trunk Pacific Telegraph Company at Wainwright, Alta.

2976. Dangerous level crossing over the Grand Trunk railway one mile east of station at Newcastle, Ont.

2977. Refusal of the Esquimalt and Nanaimo Railway Company to settle claims for cattle killed on their right of way in the district of Coombs, B.C., where they have no fences.

2978. Practice of the Canadian Northern and Grand Trunk Pacific Railway Companies of ballasting up their lines without lengthening out the grades to same at road crossings, in the province of Alberta.

2979. Inadequate station accommodation provided by the Canadian Pacific Railway Company at Salmon Arm, B.C.

2980. Alleged excessive express charges from Montreal, Que., to Charlottetown, P.E.I.

2981. Dangerous level crossing over the Grand Trunk railway east of the village of Jordon, Ont.

2982. Unsatisfactory car supply of the Canadian Pacific Railway Company at Galloway, B.C.

2983. Canadian Northern Railway Company taking possession of property in block G, St. Boniface, Man., without notifying owner.

2984. Unsatisfactory train service provided by the Grand Trunk Railway Company between Valleyfield and Montreal, Que.

2985. Tolls charged by the Canadian Pacific Railway Company for switching traffic in carloads from Pointe à Carey wharf to lumber yard at St. Malo, Que.

2986. Delay of the Grand Trunk Pacific Railway Company in settling claim for cattle killed on their right of way in the vicinity of Austin, Man.

2987. Delay at West Fort, Ont., to a car of oats shipped from Knox, Man., to Guelph, Ont., via the Grand Trunk Pacific and Canadian Pacific railways.

2988. Bell Telephone Company charging a full year's rent for the temporary installation of an extension telephone, at Brantford, Ont.

2989. Dangerous level crossing over the Michigan Central railway at East street, Springfield, Ont.

2990. Condition of crossings and culverts of the Atlantic, Quebec and Western Railway Company in the municipality of Grande Rivière, Que.

2991. Alleged excessive rate quoted by the Canadian Pacific Railway Company on a car of drygoods, &c., from Kelowna, B.C., to Calgary, Alta.

2992. Canadian Northern Ontario Railway Company, for not providing drainage at lot 31, three miles west of Belleville, Ont.

2993. Lack of a permanent station agent at Otthon, Sask., on the Grand Trunk Pacific railway.

2994. Location of the Canadian Northern Ontario railway across the road between concessions 2 and 3, township of Torbolton, Ont.

2995. Delay on the Grand Trunk railway to a car of flour shipped from Brantford, Ont., to Ste. Henedine, Que.

2996. Closing of a private crossing over the Michigan Central railway at Cornell, Ont.

2997. Shortage of grain cars at Cayley, Alta., on the line of the Canadian Pacific Railway Company.

2998. Dangerous level crossing over the Grand Trunk Railway Company's Toronto-North Bay line, north of the village of Burks Falls, Ont.

2999. Delay of the Canadian Northern Railway Company in settling for right of way through complainant's land in section 6-30-9, W. 3. M., Sask.

3000. Grand Trunk Railway Company's method of handling freight shipments from Toronto, Ont.

3001. Grand Trunk Railway Company's tariffs C.R. 103 and C.R. 111, which do not provide for refund on less than carload shipments of apples.

3002. Siding accommodation, condition of station, &c., of the Central Vermont Railway Company at Stone, Que.

3003. Refusal of the Canadian Car Service Bureau to acknowledge complainants' claim for a refund of demurrage charges on a car of lumber at Montreal, Que.

3004. Condition of right of way of the Midland Railway Company in the municipality of East Hants, N.S.

3005. Dangerous level crossing over the Canadian Pacific railway at Peterboro street, Norwood, Ont.

3006. Lack of fencing along the Grand Trunk Railway Company's spur to the premises of the Onecida Lime Company, in the township of North Cayuga, Ont.

3007. Freight rate on beer in carloads from La Crosse, Wis., to Calgary, Alta., as compared with rate from Winnipeg and Toronto to same point.

3008. Condition of ditches, bridges and culverts of the Grand Trunk Railway Company near their station at Bulstrode, Que.

3009. Dangerous level crossing over the Grand Trunk railway at road between lots 8 and 9, township of Murray, Ont.

3010. Dangerous level crossing over the Grand Trunk railway at road between lots 12 and 13, township of Murray, Ont.

3011. Dangerous level crossing over the Grand Trunk railway at the subway leading from the township of Murray and the village of Frankford to the town of Trenton, Ont., a short distance east of the said railway company's station at Trenton.

3012. Refusal of the Canadian Northern Railway Company to release an automobile at Rosetown, Sask., until the duty has been paid on another automobile in the same car, which does not belong to complainant.

3013. Proposed change in location of the New York Central and Hudson River Railroad Company's station at Maple Grove, Que.

3014. Alleged discrimination by Canadian railway companies in rates on sugar to points in the western provinces, in favour of eastern refineries.

3015. Lack of a transfer track between the Canadian Pacific and Canadian Northern railways at Bienfait, Sask.

3016. Lack of fencing on the Canadian Pacific Railway Company's right of way in the vicinity of Bigwood station, Parry Sound District, Ont.

3017. Lack of a through rate from Dalkenham, Wash., to Glenayon and Kipling, Sask., over the Canadian Pacific and Canadian Northern railways.

3018. Refusal of the Canadian Pacific Railway Company to furnish complainant with siding accommodation at Montreal, Que.

3019. Refusal of the Grand Trunk Railway Company to deliver shipment of household goods to complainant's residence in the city of Toronto, Ont.

3020. Refusal of the Great Northern Railway Company to stop their train, leaving Vancouver at 4 p.m., at Crescent, B.C.

3021. Refusal of the Canadian Pacific Railway Company to settle claim for refund of dockage charges on three cars of wheat.

3022. Refusal of the Canadian Pacific Railway Company to settle claim for loss sustained on car of wheat shipped from Winnipeg to Fort William, owing to decrease in value on account of delay in transit.

3023. Delay on the Canadian Pacific railway to a shipment of feed flax from Rouleau, Sask., to Fairmount, Sask.

3024. Delay in getting shipments out of bond at Belleville, Ont., owing to the Grand Trunk Railway Company not getting the manifests in at the time of receipt of goods.

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3025. Alleged excessive rate charged on coal by the Canadian Pacific Railway Company, from Suspension Bridge to Islington, as compared with rate to Toronto, Ont.

3026. Delivery at Truro, N.S., by the Intercolonial railway, of two automobiles, shipped from Windsor, Ont., without original bill of lading, resulting in shippers being unable to collect amount of draft.

3027. Delay on the Grand Trunk railway to hay shipments consigned to complainant at Townley, New Jersey, Lehigh Valley delivery, routed via Cobourg.

3028. Alleged excessive rates charged by the Canadian and American Express Companies on fruit shipments from Fenwick, Ont., to Ottawa and Montreal.

3029. Unsatisfactory train service provided by the Canadian Northern Railway Company to and from Kindersley, Sask.

3030. Canadian Pacific Railway Company, owing to complainant having to travel in a slat-seat colonist car from Toronto to Winnipeg, when she had a first-class ticket from Mount Forest, Ont., to Moosejaw, Sask.

3031. Confusion experienced owing to the Michigan Central Railway Company showing "Canfield Jet." in their time tables as "Canfield."

3032. Location of the Canadian Pacific railway through complainant's farm at Enterprise, Ont.

3033. Loss of parcel shipped from Toronto to Famosa, Ont., via the Canadian and Dominion Express Companies, for which complainant has been unable to get compensation.

3034. Unsatisfactory train service provided by the Central Vermont Railway Company between Farnham and Frelighsburg, Que.

3035. Delays of the Canadian Pacific Railway Company in the delivery of freight at Toronto, Ont., and their unsatisfactory method of tracing cars.

3036. Delay to a shipment from Elora to Aurora, Ont., on the Grand Trunk railway.

3037. Lack of a permanent station agent at Briercrest, Sask., on the Canadian Northern railway.

3038. Alleged excessive rates charged on two cars of settler's effects, shipped from Innisfail to Heath, Alta., via the Canadian Pacific and Grand Trunk Pacific Railway Companies.

3039. Dangerous level crossing over the Grand Trunk railway two miles south of Bracebridge, Ont.

3040. Refusal of the Grand Trunk Railway Company to entertain claim resulting from misquotation in rates on hay from Howick, Que., to Plainsboro, N.J.

3041. Stagnant water along the Canadian Northern Railway Company's right of way at the townsite of Benito, Man.

3042. Congested conditions at Toronto, Ont., on the Canadian Pacific Railway, resulting in serious delays to shipments when necessary to transfer at that point.

3043. Unsatisfactory service of the Canadian Express Company at Montreal, Que., with respect to the prompt delivery of cream.

3044. Refusal of the Grand Trunk Pacific Railway Company to settle for land expropriated for right of way at Rocky View, Alta., unless complainant has C.P.R. restrictions cancelled on the deed.

3045. Lack of station accommodation, and express and telegraph service at Ardath, Sask., on the Canadian Northern railway.

3046. Loss of baggage in transit from Montreal, Que., to Dropmore, Man., via the Grand Trunk and Canadian Pacific railways.

3047. Lack of a waiting room for ladies in the Canadian Pacific Railway Company's station at Balcarres, Sask.

3048. Lack of station at Waseca, Sask., on the Canadian Northern railway.

3049. Blocking of farm crossing by the Canadian Pacific Railway Company at Beaver, B.C.

3050. Running of light engines for a greater distance than twenty-five miles without a conductor in charge, on the Canadian Pacific railway.

3051. Confiscation of a car of coal by the Grand Trunk Railway Company while in transit from Buffalo to Campbellford, Ont.

3052. Unsatisfactory freight service between Montreal and Clarenceville, Que., via the Canadian Pacific, Grand Trunk and Quebec, Montreal and Southern railway.

3053. Location of farm crossing on the Georgian Bay and Seaboard Railway at Reaboro, Ont.

3054. Lack of fencing on the Irondale, Bancroft and Ottawa Railway through complainant's farm on lot 8, concession 2, township of Herchel, Ont.

3055. Alleged refusal of the Canadian Northern Express Company to entertain claim for one case of plums short in a shipment from Regina to Bladworth, Sask.

3056. Condition of farm gates on the line of the St. Lawrence and Adirondack Railway Company at St. Stanislas, Que.

3057. Amount offered by the Canadian Northern Railway Company for land expropriated on complainant's farm in Nipissing District, Ont.

3058. Station accommodation provided by the Great Northern Railway Company at Rossland, B.C.

3059. Lack of fencing on the line of the Irondale, Bancroft and Ottawa Railway Company, in the vicinity of Tory Hill, Ont.

3060. Refusal of Canadian Northern Express Company's employee to give receipt for shipment from Souris Valley to Elswick, Sask.

3061. Delays on the Grand Trunk railway to shipments of hogs.

3062. Alleged discrimination by the Grand Trunk Railway Company in favour of the Dominion Cannery, Ltd., in the matter of stop-over privileges for the completion of carload lots.

3063. Proposed closing of crossing in the town of Duncan, B.C., by the Esquimalt and Nanaimo Railway Company.

3064. Unsatisfactory train service provided by the Atlantic, Quebec and Western Railway Company between New Carlisle and Grand Rivière, Que.

3065. Delays of the Grand Trunk Railway Company in delivering goods in the city of Quebec, Que.

3066. Dangerous level crossing over the Canadian Northern Ontario and Canadian Pacific railways at Bay Bridge road, Belleville, Ont.

3067. Whistling of the Canadian Northern Railway Company's engines within the city limits of Edmonton, Alta.

3068. Lack of fencing along the line of the Quebec Oriental Railway Company through complainant's farm, near Maria Capes, Que.

3069. Alleged excessive express charge on a fifty-pound parcel from Parkdale to Thamesville, Ont.

3070. Alleged excessive charge of the Canadian Express Company on a small parcel shipped from Ottawa to Montreal.

3071. Lack of fire guards on the Canadian Northern railway at Big Valley, Alta.

3072. Refusal of Canadian Pacific Railway Company's Place Viger station parcel office, Montreal, Que., to deliver parcel to complainant until he has paid twenty-five cents for lost check.

3073. Canadian Northern Railway Company, for killing stock on their right of way near Bowmans River, Man., which complainant alleges could have been avoided.

3074. Dangerous level crossing over the Canadian Pacific railway at Pender street, Vancouver, B.C.

3075. Dangerous level crossing over the Canadian Pacific railway at Cordova street, Vancouver, B.C.

3076. Proposed additional crossing at Champlain street and alterations at Albert street, St. John, Que., by the Canadian Pacific Railway Company.

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3077. Dangerous level crossing over the Canadian Pacific railway known as the Fifty Side road, one and one-quarter miles north of Berkeley station, Ont.

3078. Dangerous level crossing over the Grand Trunk railway, one mile west of Grass Hill station, Ont.

3079. Flooding of land by the Canadian Pacific Railway Company's line at Elders Mills, Ont.

3080. Alleged excessive charge on a shipment of settler's effects from Creelman to Alsask, Sask., via the Canadian Pacific and Canadian Northern railways.

3081. Refusal of railway companies to give a rate on mixed shipments of horses and stock, charging as if the whole shipment were horses.

3082. Section foreman on the Canadian Northern railway at Dauphin, Man., not having been examined in the rules.

3083. Loss sustained owing to cattle being killed on the Canadian Northern railway at McCreary, Man.

3084. Delays to freight on the Grand Trunk railway consigned to the complainant at Casselman, Ont.

3085. Alleged excessive freight rate of the Canadian Pacific Railway Company from Dundalk, Ont., to Moosejaw, Sask., and their refusal to compensate complainant for damage to a buggy.

3086. Dangerous level crossing over the Grand Trunk railway at Main street, Norwich, Ont.

3087. Dangerous level crossing over the Grand Trunk railway at Quaker street, Norwich, Ont.

3088. Alleged excessive charge by the Canadian Pacific Railway Company on a shipment of settler's effects from the United States to Brooks, Alta.

3089. Refusal of the Canadian Northern Express Company to deliver under tariff rate C.R.C. 724, shipment of cream from Letellier to Winnipeg, Man., for butter-making purposes.

3090. Alleged excessive charge on shipment of wheat from Rarfurly, Alta., to Newdale, Man., via the Canadian Northern and the Canadian Pacific railways.

3091. Proposed highway crossing of the Campbellford, Lake Ontario and Western Railway Company, between lots 26 and 27, concession 2, township of Clarke, Ont.

3092. Non-settlement of claim against the Canadian Pacific Railway Company for expenses incurred in burying their special agent at Emerson, Man.

3093. Refusal of the Grand Trunk Railway Company to refund amount of alleged overcharge on a shipment from St. Thomas, Ont., to Chicoutimi, Que.

3094. The Electric Power Company, Ltd., for crossing with their wires in an unsafe manner, a high tension transmission line near Peterboro, Ont.

3095. Proposed construction of an industrial spur by the Canadian Pacific Railway Company, if same is to cross Royce avenue, Toronto.

3096. Unsatisfactory station accommodation provided by the Grand Trunk Railway Company at Jordan, Ont.

3097. Flooding of lands by the Canadian Pacific Railway Company in the vicinity of Bouchette, Que.

3098. Loss sustained owing to the Canadian Pacific Railway Company at Sault Ste. Marie, Ont., sending complainant bills covering additional charges on lumber shipments, after same have been sold at a price based on the original charges.

3099. Damage to property by fire at Howell, Sask., alleged to have been started by sparks from an engine of the Canadian Northern Railway Company.

3100. Dangerous level crossing over the Canadian Pacific railway in the village of L'Annonciation, Que.

3101. Increase in rates on coal from International Bridge and Trenton Jet., to Frankford, Ont.

3102. Loss sustained owing to wheat spilled while being loaded into car at Venda, Sask., on the Canadian Northern Railway.

3103. Lindsay, Robeaygeon and Pontypool Railway Company, (C.P.R.) for raising their grade through complainant's property at Lindsay, Ont.

3104. Shortage of cars on the line of the Canadian Pacific Railway Company in the vicinity of Montreal, Que.

3105. Rate on carbide from Merriton, Ont., to Yorktown, Sask.

3106. Alleged discrimination by the Canadian Pacific and Grand Trunk Railway Companies against the town of Blind River, Ont., in favour of Sault Ste. Marie, Fort William and Port Arthur, in rate charged on bar iron from points in Ontario.

3107. Delays of the Canadian Pacific Railway Company in picking up freight in the city of Montreal, Que.

3108. Bell Telephone Company, for cutting off a service at Stratford, Ont., without notice, owing to the same not being paid for three months in advance.

3109. Dangerous level crossing over the Dominion Atlantic railway at Chestnut street, Windsor, N.S.

3110. Dangerous level crossing over the Hamilton Radial Electric railway at Burlington Beach, Ont.

3111. Delay of the Canadian Northern Railway Company in settling claim for expenses incurred on account of being stalled at Fisk, Sask.

3112. Cattle killed on the Grand Trunk Pacific railway in the vicinity of Avonhurst, Sask., owing to sectionmen leaving gate open, and cattle guards having been removed.

3113. Unsatisfactory delivery of a box of freight by the Grand Trunk Railway Company at Ottawa, Ont., same being left on the sidewalk, seventy feet away from the house.

3114. Lack of daily train service between Edmonton and Morinville, Alta., on the Canadian Northern railway.

3115. Delay of the Chicago, Milwaukee and Puget Sound Railway Company in settling complainant's claim for goods lost in transit from Boston to Vancouver, B.C.

3116. Condition of engines running out of Belleville, Ont., on the Grand Trunk railway.

3117. Dominion Express Company, for loss of a box of goods shipped from Ottawa, Ont., to 24 Mile Post, Gowganda road, Ont.

3118. Shortage of cars on the Canadian Pacific railway at Meath, Ont., for the shipment of hay and feed to Petewawa military camp.

3119. Unsatisfactory condition of fencing, gates and drainage on the Central Vermont railway in the parish of St. Cesaire, township of Houville, Que.

3120. Delay of the Canadian Northern Railway Company in settling for right of way and ballast pits on complainant's farm, and lack of fencing on their line at Kinnoull, Alta.

3121. Delay of the Canadian Pacific Railway Company in making necessary alterations to highway crossing in the municipality of St. Charles des Grondines, Que.

3122. Employees on the Grand Trunk Railway Company's trains between Valleyfield and Montreal, Que., being unable to speak the French language.

3123. Unsatisfactory station accommodation and train service at Larose, Que., on the Canadian Northern railway.

3124. Delay of the Canadian Pacific Railway Company in paying for right of way through complainant's farm on their Wilkie-Kerrobot line.

3125. Lack of station and freight platform at Browning, Sask., on the Canadian Northern railway.

3126. Dangerous level crossing over the Grand Trunk railway known as "Clarke's crossing," at Newcastle, Ont.

3127. The carrying of passengers along the Kettle Valley railway, under construction, on a speeder, which detracts business from licensed stage drivers.

3128. Refusal of the Canadian Pacific Railway Company to provide complainant with continuous sleeping accommodation from Fort William to Regina, Sask.

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3129. Delays to shipments from Bloomfield and Wellington, Ont., to the Northwest owing to the Canadian Northern Railway Company refusing to supply G.T.R. and C.P.R. equipment to handle the shipments via Port McNicoll or Sarnia.

3130. Blocking of a crossing by trains on the Canadian Pacific railway at Elkhorn, Man.

3131. Proposed expropriation by the Canadian Northern Railway Company of land in lot 13, Front street, Belleville, Ont.

3132. Lack of fencing along the Canadian Northern railway through complainant's property in the southwest quarter of section 7-11-6, Man.

3133. Unsatisfactory train service on the Vancouver, Victoria and Eastern railway.

3134. Refusal of the Hydro-Electric Power Commission of Ontario to execute agreement in connection with the crossing by their wires of a railway at Woodworth avenue, St. Thomas, Ont.

3135. Unsatisfactory drainage along the line of the Canadian Northern railway in section 34-29-32, W. 1 M., Sask.

3136. Condition of the Canadian Northern Railway Company's yard at Elie, Man.

3137. Dominion Express Company's rates from Terrebonne to Quebec, as compared with rates from Montreal to Quebec, Que.

3138. Dangerous level crossings over the Canadian Northern railway in the rural municipality of St. Francois Xavier, Man.

3139. Unsatisfactory train service to and from Locust Hill, Ont., on the Canadian Pacific railway.

3140. Proposed erection of a station by the Canadian Pacific Railway Company, two miles west of Notre Dame d'Auvergne, Sask.

3141. Naming of a station "Hill Head" by the Georgian Bay and Seaboard railway, instead of "Fleming" as per agreement.

3142. Refusal of the Canadian Pacific Railway Company to settle claim for horses killed on their right of way near Bienfait, Sask.

3143. Necessity of stop-over at Oroville, B.C., on the Vancouver, Victoria and Eastern railway, there being no through trains to Princetown, B.C.

3144. Delay of the Canadian Pacific Railway Company in settling for right of way of their Lacombe-Kerrobert branch, in section 1-35-5, W. 4 M., Alta.

3145. Unsatisfactory service of the Quebec Railway, Light, Heat and Power Company, in the matter of poor lighting and over-crowding of cars, and lack of connection with the steam railway lines at Quebec, Que.

3146. Dangerous level crossing over the Grand Trunk railway at the intersection of Notre Dame and St. Ferdinand streets, St. Henry, Montreal, Que.

3147. Inadequacy of the Canadian Northern Railway Company's loading platform at Odessa, Sask.

3148. Shortage of cars on the Grand Trunk railway, suitable for the shipping of stone, at St. Marys, Ont.

3149. Conditions of the Canadian Northern Railway Company's cattle guards in the vicinity of Bowsman river, Man.

3150. Lack of fencing along the Canadian Northern railway in the vicinity of Bowsman river, Man.

3151. Alleged refusal of the Temiscouata Railway Company to supply cars for the shipment of poles to the Western Union Telegraph Company.

3152. Employees on the New York Central and Hudson River Railway Company's suburban trains running between Montreal and Valleyfield, being unable to speak the French language.

3153. Loss of a shipment of castings from Smiths Falls to Belleville, Ont., over the lines of the Canadian Pacific and Grand Trunk Railway Companies.

3154. Dangerous level crossing over the Grand Trunk railway, being the first crossing west of Brockville, Ont.

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3155. Condition of gates at crossing over the Grand Trunk railway at the intersection of Notre Dame and St. Ferdinand streets, St. Henry, Montreal, Que.

3156. Refusal of the Campbellford, Lake Ontario and Western Railway Company (C.P.R.) to furnish complainant with a cattle pass or farm crossing on lot 6, concession 7, township of Camden, Ont.

3157. Refusal of the Canadian Pacific Railway Company to compensate complainant for horse killed on their right of way near Pinto, Sask., where cattle guards had been removed.

3158. Lack of cattle guards at crossings on the line of the Atlantic, Quebec and Western Railway Company in the municipality of St. Adelaide de Pabos, Que.

3159. Lack of fencing and cattle guards on the Canadian Northern railway in the vicinity of Onoway, Alta.

3160. Condition of the Canadian Pacific Railway Company's yard at Dorion, Ont.

3161. Refusal of Canadian Northern Express Company to entertain claim for damage to laundry shipped from Dauphin, Man., to Margo, Sask.

3162. Proposed construction of the Niagara, St. Catharines and Toronto railway on Queen street, in the town of Niagara-on-the-Lake, Ont.

3163. Closing up of Bow avenue, in the town of Bow Island, Alta., by the Canadian Pacific Railway Company.

3164. Refusal of the Canadian Pacific Railway Company to grant complainant a refund on ticket from Edmonton to Daysland, Alta., which he purchased in order to enable him to stop over at the latter point, as the ticket he held, Edmonton to Keppel, Sask., did not entitle him to a stop-over.

3165. Unsatisfactory train service provided by the Canadian Pacific Railway Company to and from Cabri, Sask.

3166. Unsatisfactory service provided by the Bell Telephone Company at Centre Island, Toronto, Ont.

3167. Delay of the Grand Trunk Railway Company in delivering a car of cement at South Durham, Que.

3168. Delay of the Grand Trunk Railway Company in settling costs in connection with the case of Morell and G.T.R., at Toronto, Ont.

3169. Delay of the Georgian Bay and Seaboard Railway Company (C.P.R.) in making settlement for land expropriated in lot 7, concession 9, township of Ops, Ont.

3170. Refusal of the Canadian Northern Quebec Railway Company to entertain claim for damage to a stove shipped from Montreal to Sixteen Island Lake.

3171. Size of station being built at St. Prosper, County Champlain, Que., on the Transcontinental railway.

3172. Exorbitant rate charged by the Bell Telephone Company in the town of Ville St. Pierre, Que.

3173. Alleged overcharge on shipment of an oil-pump from Chicago to Sellwood, Ont., via the Dominion and Canadian Northern Express Companies.

3174. Delay to, and rate charged on, shipment from Pittsfield, Maine, to Arcadia, N.S., by the Dominion Express Company.

3175. Inconvenience caused owing to the Peoples Railway Company grading through complainant's farm at Bloomingdale, Ont., and leaving same in an unfinished state.

3176. Grade of the Canadian Northern Railway Company's crossing over public road between sections 20 and 21-31-16 W. 4 M., Alta.

3177. Delay of the Canadian Northern Railway Company in settling for right of way through the northwest quarter of section 19-7-53, W. 5 M., Alta.

3178. Shortage of cars at Wycliffe, B.C., on the line of the Canadian Pacific Railway Company.

3179. Delay to shipments of flour from Winnipeg, Man., to points on the Canadian Northern railway.

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3180. Refusal of the Central Ontario Railway Company to place cars for complainant on the main line north of Maynooth, Ont., to load ties.

3181. Excessive rate on pulpwood from points on the Irondale, Banerft and Ottawa railway to Campbellford, Ont., via the Central Ontario and Grand Trunk railways.

3182. Inadequacy of the Canadian Pacific Railway Company's cattle guards in the vicinity of Taber, Alta., resulting in loss of cattle.

3183. Refusal of the Canadian Pacific Railway Company to provide a crossing over their line which runs through complainant's farm near Montebello, Que.

3184. Noise and smoke of the Toronto, Hamilton and Buffalo and Canadian Pacific railways in the vicinity of Hunter street, Hamilton, Ont.

3185. Maritime Telegraph and Telephone Company, for poor telephone service provided on line between Ballantyne's Cove and Antigonish, N.S., and price asked by said company for said line from the farmers who originally supplied the line gratis.

3186. Excessive rate charged by the Canadian Pacific Railway Company on potatoes, from Ashcroft to Vancouver, B.C.

3187. Inadequate facilities of the Canadian Pacific Railway Company for handling freight at Ashcroft, B.C.

3188. Lack of daily train service at St. Albert, Alta., on the Canadian Northern railway.

3189. Inadequate facilities for the handling of freight at St. Albert, Alta., on the Canadian Northern railway.

3190. Condition of the crossings in the vicinity of Shelbrook, Sask., on the line of the Canadian Northern Railway Company.

3191. Alleged excessive rate charged by the Grand Trunk Railway Company on three quarry cars, shipped from Hamilton to Hagersville, Ont.

3192. Failure of the Victoria Terminal and Ferry Company (G.N.R.), to provide facilities for the public to get to the waters of Semiahoe bay in section 10, township 1, New Westminster district, B.C.

3193. Failure of the Canadian Northern Railway Company to construct a crossing on road allowance between sections 7 and 8, and 7 and 18, township 29, range 18, W. 3. M., Sask.

3194. Failure of the Grand Trunk Railway Company to provide proper accommodation for live stock at shipping points on its line of railway.

3195. Failure of the Canadian Northern Railway Company to provide complainant with a cattle pass on his farm on lot 1, concession 7, township of Westmeath, Ont.

3196. Canadian Northern Telegraph Company, for not providing telegraph service between The Pas and Hudson Bay junction.

3197. Refusal of the Canadian Pacific Railway Company to provide complainant with a farm crossing on his property in section 33-13-18, W. 3 M., Sask.

3198. Excessive rate charged on shipment of poultry from London, England, to Strathroy, Ont., via the Dominion and Canadian Express Companies.

3199. Car shortage on the Canadian Pacific railway in Labelle county, Que., for the shipment of lumber.

3200. Delay of the Canadian Pacific and Grand Trunk Railway Companies in delivering goods shipped from London, Ont., to Kirk's Ferry, Que., Preston, Ont., Deep Brook, N.S., and Kennetcook, N.S.

3201. Alleged excessive freight rate on motor boat shipped from Parry Sound to Haileybury, Ont., via the Canadian Pacific and Temiskaming and Northern Ontario railways.

3202. Condition of the Canadian Northern Railway Company's station grounds at Netherhill, Sask.

3203. Shunting of trains within the limits of the city of Ottawa, Ont., on the Grand Trunk railway.

3204. Proposed location of the Grand Trunk Pacific and Canadian Pacific railways through the municipality of the district of West Vancouver, B.C.

3205. Proposed closing of Souris street, Estevan, Sask., by the Canadian Pacific Railway Company, at their crossing.

3206. Inadequate station accommodation of the Canadian Northern Railway Company at Minburn, Alta.

3207. Change in location of Canadian Pacific Railway Company's line through complainant's farm at Melrose, Ont., after they had settled with him at a price based on original location.

3208. Canadian Pacific Railway Company's supplement No. 15 to lumber tariff No. W. 2510, advancing the rates on pine lumber.

3209. Condition of the Grand Trunk Railway Company's line between Caledonia and Dunnville, Ont.

3210. Freight rates charged on addressograph machines.

3211. Location of the Canadian Northern Railway Company's line through complainant's property at Bienfait, Sask.

3212. Delay of the Grand Trunk Railway Company in delivering a shipment of household goods from Toronto to Bowmanville, Ont.

3213. Delay of the Canadian Northern Railway Company in delivering at Emo, Ont., a car of flour and feed from Winnipeg, Man.

3214. Alleged excessive charge by the Canadian Pacific Railway Company on a carload of settlers' effects, from Elgin, Ore., to Ashcroft, B.C.

3215. Valuation of the Grand Trunk Railway Company's property at South Durham, Que.

3216. Unsatisfactory manner in which freight is delivered at South Durham, Que., by the Grand Trunk Railway Company.

3217. Unjustifiable dismissal of sectionmen and employment of a foreigner as foreman, by the Grand Trunk Pacific Railway Company at Jarrow, Alta.

3218. Condition of the Canadian Pacific Railway Company's crossing north of section 22-27-25, W. 2. M., Sask.

3219. Delay in the transferring of a car of wheat from the Grand Trunk to the Canadian Pacific Railway at Toronto, Ont., resulting in loss to consignee.

3220. Canadian Pacific Railway Company's rate on brick from St. Boniface, Man., to Yorktown, Sask.

3221. Excessive switching charges on stone from the Canadian Pacific Railway to the Canadian Northern and Grand Trunk Pacific Railways at Winnipeg, Man.

3222. Changing of name of station from 'Selkirk Junction' to 'Bradbury,' by the Canadian Pacific Railway Company.

3223. Loss of cattle on the Canadian Pacific railway in the vicinity of Saltcoats, Sask., owing to inadequate cattle guards.

3224. Delay of the Canadian Pacific Railway Company in delivering at Shawinigan Falls, Que., a shipment of machinery from Montreal, Que.

3225. Failure of railway companies to give full information on advice notes on which goods are passed through the customs.

3226. Lack of warning signals on railway motor cars.

3227. Refusal of the Grand Trunk Railway Company to entertain claim for alleged overcharge on shipment of hay from Carmel to Portland, Me.

3228. Delay of the Canadian Express Company in delivering cream in the city of Montreal, Que.

3229. Delay of the Canadian Pacific Railway Company in settling for right of way through northwest quarter of section 29-16-18, W. 2 M., Sask.

3230. Delay to, and shortages in shipments to Stuartburn, Man., on the Canadian Northern railway.

3231. Lack of station agent at Whonnock, B.C., on the Canadian Pacific railway.

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3232. Alleged excessive rate on two cars of brick from Edmonton to Strathcona, Alta., via the Grand Trunk Pacific, Canadian Northern and Canadian Pacific railways.

3233. Validation fee of fifty cents on return portion of reduced fare round trip tickets to points on the Pacific coast.

3234. Discrimination by the Canadian Pacific Railway Company in favour of Winnipeg, Man., and against Calgary, Alta., in the matter of rates on supplies to construction gangs.

3235. Refusal of the Canadian Northern Railway Company to provide complainant with a cattle pass on his farm at Torbolton, Ont.

3236. Delay of the Canadian Pacific Railway Company in settling for right of way through complainant's farm on part of lots 28, 29, 30 and 31, concession A, township of Haldimand, Ont.

3237. Delay to a shipment of coal from Hillcrest, Alta., to Froude, Sask., on the Canadian Pacific railway.

3238. Closing of Mercer street crossing, Stettler, Alta., by the Canadian Pacific Railway Company.

3239. Non-delivery of a shipment of fruit from Ottawa, Ont., to Blue Sea Lake, Que., via the Dominion Express Company.

3240. Placing of local freight on private siding at Entwistle, Alta., by the Grand Trunk Pacific Railway Company.

3241. Condition of the Canadian Pacific Railway Company's stock yards at Bawlf and Strathcona, Alta.

3242. Pumping of water from complainant's creek at Ashburn, Ont., by the Canadian Pacific Railway Company.

3243. Alleged excessive rate charged by the Grand Trunk Pacific Railway Company on a bull shipped from Prince Rupert to Skeena River Crossing, B.C.

3244. Condition of the Canadian Northern and Canadian Pacific Railway Companies' crossing and cattle guards in the district of Churchbridge, Sask.

3245. Dangerous level crossing over the Grand Trunk railway at the third and fourth concession line, township of Goderich, Ont.

3246. Delay of the Canadian Pacific Railway Company in settling for right of way of their Wilkie Northwesterly branch in the southeast quarter of section 25-43-22, W. 3 M., Sask.

3247. Excessive rental charges of the Bell Telephone Company in the town of Ville St. Pierre, Que.

3248. Excessive switching charges on, and delays to carloads of scrap iron between the Canadian Pacific and Canadian Northern railways at Winnipeg, Man.

3249. Proposed moving of the Canadian Pacific Railway Company's station at Kenney, Man.

3250. Delay to a shipment of fence material from Sarnia to Mimico, Ont., on the Grand Trunk railway.

3251. Proposed construction of a spur from the Hull Electric railway, on Mountain street, Alymer, Que.

3252. Proposed changing of terminal point by the Grand Trunk Railway Company, from Brockville to Prescott, Ont.

3253. Refusal of the Canadian Pacific Railway Company to settle claims for loss of coal and cast steel consigned to Chaplin, Sask.

3254. Dangerous level crossing over the Canadian Pacific and Grand Trunk railways at Beaconsfield, Que., known as the "Chemin de Ste. Genevieve."

3255. Dangerous level crossing over the Canadian Pacific railway at the intersection of Broadway, Betts avenue and Assiniboia avenue, Yorktown, Sask.

3256. Loss of cow owing to inadequate cattle guard protection of the Canadian Northern Railway Company in the vicinity of Legal, Alta.

3257. Condition of approaches to the freight shed of the Esquimalt and Nanaimo Railway Company, (C.P.R.) at Saltair, B.C.

3258. Dangerous crossing over the Canadian Northern Ontario and Campbellford, Lake Ontario and Western railways, on complainant's farm in lot 4, concession 4, township of Scarboro, Ont.

3259. Dimensions of under-crossing provided by the Canadian Northern Railway Company on complainant's farm in the northwest quarter of section 10-65-22, W. 4 M., Alta.

3260. Confusion caused owing to similarity in the names.—"Lac à la Tortue, Que.," on the Canadian Pacific railway, and "La Tortue, Que.," on the Napierville Junction railway.

3261. Delay to freight in the yards of the Canadian Pacific and Grand Trunk Railway Companies at Montreal, Que.

3262. Embargo of the Canadian Pacific Railway Company on shipments of sand, loaded in cars other than its own, into Winnipeg from points on the Canadian Northern railway.

3263. Removal of telephone from the Grand Trunk Railway Company's station at Compton, Que.

3264. Refusal of the Canadian Pacific Railway Company to settle claim for damage to portmanteau and contents on "*Empress of Ireland*," en route to England.

3265. Delay to a car of lumber shipped from Keewatin, Ont., to Margaret, Man., via the Canadian Northern and Canadian Pacific railways.

3266. Delay in delivery of car of wheat shipped from Murburn, Alta., to Paddington, Man., via the Canadian Northern railway.

3267. Alleged excessive charges on a shipment from Ymir, B.C. to Melfort, Sask., via the Canadian Northern and Canadian Pacific railways.

3268. Unsatisfactory location of crossing over the Canadian Northern railway in the village of Marcelin, Sask.

3269. Condition of crossing over the Kootenay and Alberta railway at public road in section 7-6-1, W. 5 M., Alta.

3270. Crossing of road between concessions 4 and 5, township of Hinchinbrooke, Ont., by the Canadian Pacific railway.

3271. Cartage charges of the London and Lake Erie Railway Company on small parcels shipped from London to St. Thomas, Ont.

3272. Alleged excessive rates charged by the Canadian Northern Railway Company on shipments from Toronto to Gilmour, Ont.

3273. Delay in delivery of two cars of hogs shipped from Cottam, Ont., to Hull, Que., via the Windsor, Essex and Lake Shore and Canadian Pacific railways.

3274. Inadequacy of culvert across the Georgian Bay and Seaboard railway on lot 23, concession 12, township of Medonte, Ont.

3275. Refusal of the Canadian Northern Railway Company to accept fresh meat for shipment from Saskatoon, Sask., to Big River, Sask., except at owner's risk.

3276. Dangerous crossing over the Campbellford, Lake Ontario and Western railway (C.P.R.), on complainant's farm in lot 3, concession 7, township of Richmond, Ont.

3277. Delays to shipments of freight to and from Harriston, Ont., on the Canadian Pacific and Grand Trunk railways.

3278. Delay of the Canadian Pacific Railway Company in delivering at Mile End, Que., a car of brick from New Galilee, Pa.

3279. Nuisance caused by the unloading of manure on the Grand Trunk Railway Company's siding at St. Anne de Bellevue, Que.

3280. Failure of the Canadian Pacific Railway Company to open up siding at Fincastle, Alta., for the shipment of grain from that vicinity.

3281. Rough handling of cases of "Tungsten" electric lamps by the Canadian Express Company.

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3282. Dangerous level crossing over the Canadian Pacific and Grand Trunk railways between lots 20 and 21, Broken Front concession, township of Clarke, Ont.

3283. Alleged excessive rates of the Canadian Pacific Railway Company on lumber shipped from Fernie, B.C., to Longford and Cheadle, Alta.

3284. Supplement No. 4 to Memphis Lumber Tariff No. 3, C.R.C. No. 7, increasing rates on lumber from points south of the Ohio river to Canadian points.

3285. Alleged lack of fencing on the Canadian Northern Quebec Railway Company's right of way in the parish of Ste. Thecle, Que.

3286. Alleged discrimination by the Canadian Pacific Railway Company in rates on American corn, in favour of St. John as against Fredericton, N.B.

3287. Delay of the Canadian Pacific Railway Company in settling for right of way through complainant's farm in the southwest quarter of section 18-36-10, W. 4 M., Alta.

3288. Loss sustained owing to cattle being killed on the Canadian Pacific Railway Company's right of way in the vicinity of Didsbury, Alta.

3289. Dimensions of crossing under the Grand Trunk railway on complainant's property in lots 10 and 11, concession 2, township of South Dumfries, Ont.

3290. Condition of track between Greenway and Wakopa on the Canadian Northern railway.

3291. Refusal of railway company to provide complainant with a cattle pass or farm crossing at Colborne, Ont.

3292. Unsatisfactory train service of the New York Central and Hudson River Railway Company between Montreal and Valleyfield, Que.

3293. Refusal of railway company to provide complainant with a cattle pass on his property at Enterprise, Ont., and their delay in settling for right of way.

3294. Alleged excessive rates of the Canadian Pacific and Canadian Northern Railway Companies on fir lumber to Neepawa, Man.

3295. Condition of the Canadian Northern Railway Company's loading platform at Glendale, Man.

3296. Condition of the Grand Trunk Railway Company's stock yards at Drayton, Ont.

3297. Alleged excessive charges on a tank car of coal tar shipped from Ottawa to Berlin, Ont., via the Canadian Pacific and Grand Trunk railways.

3298. Excessive length of hours of employees of the Hamilton Radial Railway Company.

3299. Alleged discrimination by the Canadian Pacific Railway Company in the working of stevedores at Fort William during strike.

3300. Failure of the Canadian Northern Railway Company to construct a crossing over their line at the road allowance between sections 3 and 10-18-20, at Sandy Lake, Man.

3301. Refusal of the Canadian Pacific and Canadian Northern Railway Companies to switch loaded cars from complainant's mill at St. Boniface to Winnipeg track warehouses.

3302. Condition of approaches to the Grand Trunk Pacific Railway Company's loading platform at Peterson on the Young-Prince Albert branch.

3303. Delay of the Père Marquette Railroad Company in building a new station at Coatsworth, Ont.

3304. Unsatisfactory accommodation and facilities of the Canadian Northern Ontario Railway Company at Rathburn station, Ont.

3305. Alleged proposal to move the Grand Trunk Railway Company's St. Agnes station, Que., to a point near Fort Covington.

3306. Refusal of the Campbellford, Lake Ontario and Western Railway Company to provide suitable crossings on their line in the townships of Darlington and East Whitby, Ont.

3307. Treatment received from conductor on the Canadian Northern Railway Company's train between Saskatoon and Tisdale.

3308. Delay of the Canadian Northern Railway Company in settling for right of way across farm near Dorion, Ont., and in constructing a farm crossing on same.

3309. Dangerous level crossing over the Grand Trunk Pacific railway at Oliver road in the municipality of Shuniah, Port Arthur, Ont.

3310. Refusal of the Grand Trunk Pacific Railway Company to provide complainant with a cattle pass on his farm in the west half of section 2-17-25, W. 2. M., Sask.

3311. Lack of proper drainage facilities on the Canadian Northern railway at McConnell, Man.

3312. Failure of the Canadian Northern Railway Company to keep promises made in connection with siding at Boulias, between St. Albert and Morinville, Alta.

3313. Inadequate accommodation of the Canadian Northern Railway Company at St. Albert, Alta.

3314. Condition of crossing on complainant's property at Oakburn, Man., on the Canadian Northern railway.

3315. Non-fencing of the Great Northern railway in the district of Creston, B.C.

3316. Refusal of the Canadian Pacific and Canadian Northern Ontario Railway Companies to provide complainant with cattle passes under their lines on his farm in lot 31, concession 1, township of Sydney, Ont.

3317. Alleged overcharge on a locomotive crane shipped from Bay City to Sault Ste. Marie, Ont., via the Canadian Pacific and Algoma Central railways.

3318. Condition of approaches to complainant's crossing at Huntingdon, Que., on the Grand Trunk railway.

3319. Lack of siding accommodation for the loading of lumber, ties, &c., between Whitehall and Sprucedale, Ont., on the Grand Trunk railway.

3320. Refusal of the Canadian Northern railway to settle claim for horses killed near Margo, Sask., owing to defective cattle guards.

3321. Lack of cattle guards and fencing on the Moncton and Buctouche railway in the parish of Moncton, county of Westmorland.

3322. Proposed construction of an additional track across Bayview avenue, Ottawa, Ont., by the Canadian Pacific Railway Company.

3323. Refusal of the Campbellford, Lake Ontario and Western Railway Company to provide complainant with a farm crossing or cattle pass near Trenton, Ont.

3324. Condition of the Canadian Northern Railway Company's roadbed between Edmonton and Morinville, Alta.

3325. Refusal of the Canadian Northern Railway Company to extend its loading platform at Cromer, Man.

3326. Inadequate accommodation provided by the Canadian Pacific Railway Company on their train No. 51 leaving Winnipeg August 8, 1912.

3327. Condition of the Grand Trunk Railway Company's milk truck at Brooklin, Ont., station.

3328. Proposed additional charge of \$2 per car for lumber loaded in 38-foot cars, and \$4 per car for cars over 38 feet and up to 40 feet in length, by the Quebec Oriental Company.

3329. Lack of crossings between sections 35 and 36-53-10, W. 5 M., Alta., on the Grand Trunk Pacific railway.

3330. Lack of crossings between sections 35 and 36-53-10, W. 5 M., Alta., on the Canadian Northern Alberta railway.

3331. Dropping of water, oil and cinders from the Canadian Pacific Railway Company's bridge at Pouport street, Montreal, Que., resulting in damage to pedestrians' clothes.

3332. Delay of the Canadian Pacific Railway Company in handling a shipment of iron culverts from Winnipeg, Man., to the municipality of Mountain View, Sask.

3333. Proposed change by the Michigan Central Railroad Company, in the routing of crushed stone from complainant's quarry near St. David's, Ont., to Toronto.

3334. Canadian Pacific Railway Company, for transshipping in its Vancouver yard, straight carloads of sugar ex. complainants' siding, so as to consolidate two

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carload shipments into one car, for different consignees at the same destination, or for different destinations.

3335. Removal of telephone from the Grand Trunk Railway Company's station and freight shed at Windsor Mills, Que.

3336. Shortage of cars on the Canadian Pacific railway at Cabane Ronde, Que., for the shipment of hay, sand and wood.

3337. Lack of station accommodation and facilities for handling freight at Moline, Man., on the Canadian Northern railway.

3338. Refusal of the Canadian Pacific Railway Company to provide complainant with a cattle pass under their line across his property on the east half of lot 48, concession 9, township of Camden, Ont.

3339. Delay of the Canadian Express Company in delivering at Guelph, Ont., a shipment from Galt, Ont.

3340. Refusal of the American Express Company to settle claim for damages to a crib shipped from Chateauguay, Que., to Westmount, Montreal.

3341. Dangerous level crossing over the Grand Trunk and Central Vermont railways at the Lapiniere road, between the towns of Greenfield Park and St. Lambert, Que.

3342. Dangerous level crossing over the Grand Trunk and Michigan Central railways at the Marsh Winery Road, Stamford, Ont.

3343. Dangerous level crossing over the Grand Trunk and Michigan Central railways at Church's lane, Stamford, Ont.

3344. Increase in rates on lumber by the Quebec Oriental Railway Company between New Richmond and Matapedia, Que.

3345. Grand Trunk and Canadian Pacific Railway Companies, for failure to come to some agreement in connection with repairs to complainant's siding at Toronto, Ont.

3346. Condition of approach to the Canadian Northern Railway Company's loading platform at Fairmount siding, Sask.

3347. Refusal of the Canadian Northern Railway Company to provide complainant with a cattle pass on his property in lot 11, concession 3, township of March, Ont.

3348. Delays to a shipment of cattle between Appin and Toronto, Ont., on the Grand Trunk railway.

3349. Refusal of the Campbellford, Lake Ontario and Western Railway Company (C.P.R.), to provide complainant with a cattle pass under their line near Enterprise, Ont.

3350. Proposed diversion of road allowance by the Campbellford, Lake Ontario and Western Railway Company, on lots 14 and 15, concession 1, and lot 14, concession A, township of Murray, Ont.

3351. Express rates on butter and eggs between Winnipeg and McConnell as compared with rates between Winnipeg, Hamiota and Strathclair, Man.

3352. Shortage of seats and crowding of cars on the Canadian Pacific Railway Company's trains between Peterboro and Toronto, Ont.

3353. Rates charged on carload of coal ex. Mauch Chunk, Pa., consigned Lehigh Valley railway to Welland, Ont., and re-consigned from Welland to Toronto, Ont., Canadian Pacific delivery.

3354. Noise made by the Canadian Pacific Railway Company's engines at Lindsay, Ont., on Sunday evenings during the hour of church service.

3355. Refusal of the Great Northern Railway Company to supply cars for the shipment of lead ore from Salmo, B.C., to the Trail smelter, and Nelson, B.C.

3356. Dangerous condition of the steps leading to the Niagara Central station at Stamford, Ont.

3357. Loss of a trunk shipped from Montreal, Que., to Big River, Sask., via the Grand Trunk and Canadian Northern railways.

3358. Failure of engineers on the Central Ontario Railway Company's trains to whistle for crossing a short distance south of Wellington, Ont.

3359. Unsatisfactory train service provided by the Canadian Pacific Railway Company to and from the town of Chesterville, Ont.

3360. Insufficient space left for vehicles to pass when trains are cut at crossing at Pincher Station, Alta., on the Canadian Pacific railway.

3361. Refusal of the West Williams Telephone Association of Sable, Ont., to connect with another line except by trunk line between the two centrals.

3362. Inadequate facilities for handling freight at Keppel, Sask., on the Canadian Pacific railway.

3363. Delay of the Canadian Pacific Railway Company in moving earloads of grain from Fillmore, Sask.

3364. Storage charges on a trunk at Paris, Ont., checked from Edmonton, Alta., via the Canadian Pacific and Grand Trunk railways.

3365. Alleged excessive freight charges of the Canadian Pacific Railway Company on alum, shipped from Montreal to East Angus, Que.

3366. Dangerous level crossing over the Canadian Northern, Canadian Pacific and Grand Trunk railways on the side line between lots 12 and 13, concession A, township of Hamilton, Ont.

3367. Rates charged by the Canadian Pacific Railway Company on two cars of oats shipped from Lang, Sask., to Winnipeg, Man.

3368. Freight rates charged by the Quebec, Montreal and Southern Railway Company.

3369. Manner in which the Canadian Pacific Railway Company propose to cross with their track the track of an electric railway on the west side of the Red River in the municipality of Kildonan, Man.

3370. Manner in which the Canadian Pacific Railway Company propose to cross the track of an electric railway with their track, on the east side of the Red river, in the municipality of Kildonan, Man.

3371. Bay of Quinte Railway Company's supplement No. 3 to tariff No. 105, C.R.C. No. 164, *re* rates on cement from Marlbank, Ont., to Grand Trunk points.

3372. Unsatisfactory train service provided by the Canadian Pacific Railway Company to and from Merrickville, Ont.

3373. Blocking of farm crossing at Huntingdon, Que., by the New York Central and Hudson River Railway Company.

3374. Raising of classification on fertilizer in earload lots, from tenth to seventh class.

3375. Uncomfortable condition of passenger cars on the Canadian Pacific Railway Company's mixed train from Wilkie, Sask., owing to lack of heating appliances.

3376. Unsatisfactory service of the Bell Telephone Company in the districts of London, Berlin, Sarnia and Windsor, in the matter of directory supply and small print in same.

3377. Condition of roadbed on the Calgary and Edmonton Branch of the Canadian Pacific railway.

3378. Embargo on lumber to Edmonton, Alta., from points on the Canadian Pacific railway.

3379. Shortage of cars at Ste. Luce, Que., on the Intercolonial railway.

3380. Loss of a case of cigars shipped from Granby, Que., to Ottawa, Ont., via the Central Vermont and Grand Trunk railways.

3381. Condition of farm crossing on lot 17, concession 3, South Dundas street Oakville, Que., on the Grand Trunk railway.

3382. Dangerous level crossing over the Grand Trunk railway at the old McGreggs Side road in the township of Sarnia, Ont.

3383. Freight rates on a band saw shipped from Vancouver to Sinclair, B.C., via the Canadian Pacific railway.

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3384. Discontinuance of passenger train service to Nominigue, Que., in the evening, by the Canadian Pacific Railway Company.

3385. Location of the Toronto Suburban Railway Company's line on lots 11 and 12, concession 11 township of Esquesing, Ont.

3386. Inconvenience and additional expense incurred owing to the Grand Trunk Railway Company's train from Montreal to Portland connecting with sleeper at a point outside of Montreal.

3387. Shipments of flour from Chatham on the Père Marquette railway to non-competitive points on the Canadian Pacific and Grand Trunk railways, being half a cent per hundred pounds higher than from points on the said Canadian Pacific and Grand Trunk railways.

3388. Unfinished condition of the Canadian Northern and Central Railway of Canada Companies' lines about three miles east of the Hawkesbury bridge, resulting in the flooding of complainant's land.

3389. Failure of the Canadian Northern Railway Company to reload car of lumber wrecked west of Kindersley, en route from Prince Albert to Alsask, Sask.

3390. Condition of the Canadian Northern Railway Company's yards at Alsask, Sask.

3391. Refusal of the Bell Telephone Company to install telephone in residence on Lafayette avenue, Notre Dame de Grace ward, Montreal, Que.

3392. Failure of the Canadian Pacific Railway Company to provide complainant with a cattle pass on his property in lot 1, concession 14, township of Sheffield, Ont.

3393. Delay of the Canadian Northern Railway Company in completing their line from Edam to Mervin, Sask.

3394. Failure of the Canadian Northern Railway Company to place an agent at Beadle, Sask., resulting in loss of freight.

3395. Dangerous level crossing over the Grand Trunk railway at Vineland Station, Ont.

3396. Non-fencing of the Grand Trunk Pacific railway in the vicinity of Chip Lake, Alta.

3397. Delay to carloads of stone shipped from Hamilton to Port Hope, Ont., on the Grand Trunk railway.

3398. Rates on hay from Bridesville to Midway, B.C., on the Great Northern railway.

3399. Refusal of the Canadian Pacific Railway Company to provide complainant with a farm crossing on lot 12, concession 4, township of Scarborough, Ont.

3400. Location of proposed spur for the Builders' Supply Company of Winnipeg, Man.

3401. Lack of crossing over the Canadian Pacific railway near station at Ernold, Sask.

3402. Refusal of the Canadian Pacific Railway Company to provide complainant with a cattle pass under their Campbellford, Lake Ontario and Western line on lot 6, concession 1, township of Murray, Ont.

3403. Alleged excessive express charges on a parcel of leather shipped from Montreal, Que., to Berlin, Ont.

3404. Horses killed on the Canadian Northern railway owing to lack of fencing in the vicinity of Ochre River, Man.

3405. Alleged overcharge on two cars of settler's effects shipped from Indian Head, Sask., to Union Bay, B.C., via the Canadian Pacific railway.

3406. Delay to a car of lumber shipped from Empire Pit siding, near Pine, Ont., to Oshawa, via the Canadian Pacific and Grand Trunk railways.

3407. Loss of a box of household goods shipped from Swan River, Man., to Tyley, Alta., via the Canadian Northern railway.

3408. Delay of the Canadian Pacific Railway Company in settling claim for loss of a box of window blinds shipped to Fort Qu'Appelle, Sask.

3409. Lack of shelter for passengers and freight at McNutt's Creek, N.S., on the Dominion Atlantic railway.

3410. Location of the Campbellford, Lake Ontario and Western railway (C.P.R.), on lots 20 and 21, concession 1, township of Whitby, Ont.

3411. Canadian Northern Railway Company, for delay in settling for right of way, and failure to provide a cattle pass on the east half of lot 45, concession 9, township of Camden, Ont.

3412. Failure of the Campbellford, Lake Ontario and Western Railway Company, (C.P.R.), to provide complainant with a cattle pass on the east half of lot 49, concession 9, township of Camden, Ont.

3413. Dangerous level crossing over the Campbellford, Lake Ontario and Western railway, (C.P.R.), at lots 24 and 25, concession 3, township of Hinchinbrooke, Ont.

3414. Proposed closing of station at Carcross on the White Pass and Yukon railway, during the winter months.

3415. Delay to a shipment between Guelph and Hamilton, Ont., on the Grand Trunk railway.

3416. Removal of a telegraph office from the town of Richmond, Que., by the Great North Western Telegraph Company.

3417. Delay of the Grand Trunk Railway Company in handling freight at their Pointe St. Charles yard.

3418. Canadian Express Company, for collecting charges on a parcel at Toronto, which had been prepaid at Ottawa, Ont.

3419. Delay to a shipment of freight from Ashland, Wis., to Scott, Sask., and refusal of the Grand Trunk Railway Company to trace same.

3420. Delay to a car of hay shipped from St. Polycarpe to Montreal, Que., via the Grand Trunk railway.

3421. Delay to a car of steel hoops in the Grand Trunk Railway Company's Pointe St. Charles yards.

3422. Lack of station and freight shed at Walkers, Ont., on the Michigan Central railroad.

3423. Condition of approach to the Canadian Pacific Railway Company's siding at Verner, Ont.

3424. Condition of crossing over the Campbellford, Lake Ontario and Western railway, (C.P.R.), on complainant's property adjoining lot 19, school section No. 2, Sidney, Ont.

3425. Condition of crossing over the Campbellford, Lake Ontario and Western Railway, (C.P.R.), on lot 19, school section No. 2, Sydney, Ont.

3426. Condition of crossing over the Canadian Northern Ontario railway on lot 19, school section No. 2, Sydney, Ont.

3427. Dangerous level crossing over the Canadian Pacific railway about three-quarters of a mile west of Kingbury, Que., known as 'Miller crossing.'

3428. Dangerous level crossing over the Canadian Pacific railway about three miles east of Kingbury, Que., on the river road between Melbourne and Windsor Mills.

3429. Unsatisfactory handling of a car of sheep from Tompkins to Govan, Sask., by the Canadian Pacific Railway Company.

3430. Alleged excessive charges on a stallion shipped from London, Ont., to Bowsman, Man., via the Canadian Pacific and Canadian Northern railways.

3431. Inconvenience caused owing to lack of correct information as to arrival of the Canadian Pacific Railway Company's train No. 4 at Toronto, October 20, 1912.

3432. Difficulty experienced in getting delivery of cars of lumber at Toronto on the Grand Trunk railway.

3433. Car service rule No. 11, (shortening the time allowed for placing of delivery orders.

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3434. Freight rates charged complainant by the Canadian Pacific Railway Company on a shipment of potatoes from Kennedy, Sask., to Yorktown, Sask.

3435. Unsatisfactory train service of the Canadian Northern Railway Company, to and from North Battleford, Sask.

3436. Lack of a proper farm crossing on complainant's property in lot 22, concession 1, township of Sidney, Ont., on the Canadian Northern railway.

3437. Unsatisfactory drainage of complainant's property on lot 22, concession 1, township of Sidney, Ont., on the Canadian Northern railway.

3438. Price paid complainant by the International Elevator Company for a load of wheat.

3439. Passenger and freight accommodation provided by the Canadian Northern Railway Company at Legal, Alta.

3440. Loss of a sack of sugar and damage to a shipment of fruit through delay, consigned to Vista, Man., on the Canadian Northern railway.

3441. Manner in which the Canadian Pacific Railway Company are proceeding with the construction and operation of their Lacombe Easterly extension, and the train service and accommodation at Veteran, Alta.

3442. Campbellford, Lake Ontario and Western Railway Company, (C.P.R.), for delay in settling for right of way, and failure to provide a cattle pass on the east half of lot 45, concession 9, township of Camden, Ont.

3443. Unsatisfactory settlement of the Campbellford, Lake Ontario and Western Railway Company, (C.P.R.), for right of way through complainant's property at Enterprise, Ont.

3444. Non-fencing of the Canadian Pacific railway in the vicinity of Creston, B.C.

3445. Discontinuance of a day train service by the Canadian Northern Railway Company between Saskatoon and Edmonton, which they maintained during the summer.

3446. Inadequate facilities provided by the Canadian Pacific Railway Company for loading stock at Grondines, Que.

3447. Inadequate car supply for the shipping of grain from Howell, Sask., on the Canadian Northern railway.

3448. Dimensions and location of cattle pass under the Campbellford, Lake Ontario and Western railway, (C.P.R.) on lot 50, concession 9, township of Camden, Ont.

3449. Delay of the Great North Western Telegraph Company in delivering a message to a party at Ste. Anne de Bellevue, Que.

3450. Unsatisfactory telephone service in the township of Fullerton, Ont.

3451. Shortage of cars at Ruddell, Sask., on the Canadian Northern railway.

3452. Great Northern Railway Company, for not giving cheap rates from all points to the Nelson, B.C. fair, as advertised.

3453. Damage to a shipment of flour from Montreal, Que., to Caraquet, N.B., via the Intercolonial railway.

3454. Alleged discrimination in freight rates between the towns of Kronau and Lajord on the Arcola line of the Canadian Pacific railway.

3455. Dangerous position in which elevator spouts and gates on cattle loading platforms are left when not in use, on railways in the western provinces.

3456. Canadian Express Company, for delay in delivering at Valleyfield, Que., medical requisites ordered from Montreal.

3457. Damage to a shipment of photographic negatives while in transit from Melville to Quinton, Sask., via the Grand Trunk Pacific railway.

3458. Freight rates on stone from Hagersville to Dunnville, Ont., as compared with rates from Hagersville to Welland, Ont.

3459. Unsatisfactory service rendered to the travelling public by the Grand Trunk and Canadian Northern Railway Companies at Washago, Ont.

3460. Refusal of the Grand Trunk Pacific Railway Company to accept C.N.R. car 141176, loaded with flour and groceries, at Saskatoon, for Landsis, Sask.

3461. Canadian Northern Railway Company, for carrying goods on to Brock, first station west of D'Arcy, Sask., when same are billed and prepaid to complainant at the latter point.

3462. Refusal of the Michigan Central Railway Company to reimburse complainants for fixing up a car so that it would be suitable for the shipping of grain.

3463. Non-fencing of the Great Northern Railway Company's right of way running through Creston district, B.C.

3464. Non-fencing of the Canadian Pacific Railway Company's right of way running through Creston district, B.C.

3465. Refusal of the Central Ontario Railway Company to route shipments of canned goods via the Grand Trunk railway at the same rates as via the Canadian Pacific railway, to the same points of destination.

3466. Shortage of cars at Hitchcock, Sask., on the Canadian Pacific railway.

3467. Shortage of cars at Madrid, Sask., on the Grand Trunk Pacific railway.

3468. Rates charged on a bull shipped from Straffordville to Tupperville, Ont., via the Canadian Pacific and Père Marquette railways.

3469. Dangerous level crossing over the Grand Trunk railway between Richmond and Corris, Que., known as "Jeffery crossing."

3470. Increase in rates on sand and gravel from Fonthill to Thorold and St. Catharines, Ont., by the Niagara, St. Catharines and Toronto Railway Company.

3471. Delay in the handling of import freight at Montreal wharf and in transit from that point.

3472. Delay of the railway companies in delivering freight in the city of Montreal, Que.

3473. Unsatisfactory station accommodation and train service of the Grand Trunk Railway Company at the village of Cedars, in the parish of St. Joseph de Soulanges, Que.

3474. Delay to a shipment of freight from Toronto to Woodstock, Ont., via the Canadian Pacific railway.

3475. Condition of the Canadian Northern Railway Company's station at Pine Orchard, Ont.

3476. Condition of crossings in the rural municipality of Walpole, Sask., on the Canadian Northern railway.

3477. Crossing of the Campbellford, Lake Ontario and Western Railway Company (C.P.R.), between lots 30 and 31, concession 1, township of Hope, Ont.

3478. Condition of crossings in the rural municipality of Walpole, Sask., on the Maryfield-Lethbridge branch of the Canadian Northern railway.

3479. Canadian Pacific Railway Company, for not accepting freight for shipment and delays to freight in their sheds at Ottawa, Ont.

3480. Shortage of cars at Webster, Sask., on the Canadian Northern railway.

3481. Refusal of the Canadian Pacific Railway Company to allow complainant to solicit passengers and baggage at their station at Edmonton, Alta.

3482. Delays on the Grand Trunk railway to shipments from Merriton, Ont.

3483. Proposed location of a station on the Cowichan branch of Esquimalt and Nanaimo railway in the District of North Cowichan, B.C.

3484. Alleged illegal and discriminating irregularities in the fares charged and ticket selling process of the Hull Electric Railway Company.

3485. Shortage of cars at Stornoway, Sask., on the Canadian Northern railway.

3486. Train service between Montreal and Lachine, Que., on the Grand Trunk railway.

3487. Rates charged by the Grand Trunk Pacific Railway Company on mineral water from Waterous to Winnipeg, Man., as compared with rates from Winnipeg to Montreal.

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3488. Flooding of complainant's property at Westboro, Ont., owing to the Canadian Pacific Railway Company not constructing a drain to the culvert under their tracks.

3489. Delay to a range in transit from Darlingford, Man., to Riding Mountain, Man., via the Canadian Pacific and Canadian Northern railways.

3490. Trouble experienced in obtaining a satisfactory rate for a party from Truro to Windsor, N.S., and return, on the Dominion Atlantic railway.

3491. Delays to shipments of freight for Dummer, Sask., on the Canadian Pacific railway.

3492. Shortage of cars at Wardner, B.C., on the Canadian Pacific railway.

3493. Blocking of access to the Canadian Northern Railway Company's station at Warman, Sask., owing to the way trains come in and the layout of the freight yards.

3494. Refusal of the Canadian Pacific Railway Company to settle claim for cow killed by falling over a cliff made by their steam shovel near New Denver, B.C.

3495. Extra charge of the Canadian Pacific and Grand Trunk Railway Companies for delivering freight east of Aird avenue, Maisonneuve, Que.

3496. Shortage of cars at Forest, Ont., on the Grand Trunk railway.

3497. Lack of crossings over the Grand Trunk Pacific railway at roadways between sections 1 and 2, 2 and 3 and 3 and 4, township 17, range 25, W. 2 M., Sask.

3498. Railway companies not restricting carload rates to solid carloads of one commodity.

3499. Inconvenience caused by the strike of the Canadian Pacific Railway Company's freight handlers at Pembroke, Ont.

3500. Unsanitary conditions existing in the railway yards of the Canadian Pacific and Grand Trunk Railway Companies, east of Strachan avenue, Toronto, Ont.

3501. Dangerous condition of highway crossings on the Rosendale branch of the Canadian Northern Railway Company between sections 5 and 6-10-9, and between section 6-10-10 and section 1-10-11, W.P.M., Man.

3502. Refusal of the Canadian Pacific Railway Company to supply cars for the shipment of grain from the Brown Milling Company's elevator at Portage la Prairie, Man.

3503. Condition of fences along the right of way of the Canadian Northern Railway Company between Dufresne and St. Ann, Man.

3504. Unsatisfactory settlement made by the Campbellford, Lake Ontario and Western Railway Company, (C.P.R.), in connection with right of way across the complainant's property on lot 44, concession 9, township of Camden, Ont.

3505. Refusal of the Canadian Pacific Railway Company to settle claim for cow killed on their right of way through lack of fencing in the vicinity of Sirdar, B.C.

3506. Increase in rates on coal from Toronto to Orono, Ont., on the Canadian Northern Ontario railway.

3507. Proposed closing of the Brunette road in the municipality of Coquitlam, B.C., by the Great Northern Railway Company.

3508. Danger to the travelling public owing to rock slides on the line of the Canadian Pacific Railway Company.

3509. Grand Trunk Pacific Railway Company's loading platform at Fort Qu'Appelle, Sask., being too small.

3510. Refusal of the Campbellford, Lake Ontario and Western Railway Company, (C.P.R.), to provide complainant with a cattle pass on the west half of lot 45, concession 9, township of Camden, Ont.

3511. Dangerous level crossing over the Canadian Pacific railway at the side road between lots 21 and 22, Junction Gore, township of Gloucester, Ont.

3512. Moral condition of construction camps along the line of the Grand Trunk Pacific Railway Company in the province of British Columbia.

3513. Inability to obtain a joint rate of the Grand Trunk and Canadian Pacific Railway Companies on roofing rags from Portland, Me., to Portneuf, Que.

3514. Delay of the Canadian Pacific Railway Company in settling claim for an alleged overcharge in freight rates on a 'Digester' from Boston to Dryden, Ont.

3515. Location of station and condition of approach thereto, at No. 3 power house, Hamilton and Brantford Electric railway.

3516. Unsatisfactory train service on the Midland division of the Grand Trunk railway.

3517. Unsatisfactory connections between the Canadian Pacific and Canadian Northern Railway Companies' trains at Central Ontario Junction.

3518. Inadequate accommodation provided on the Grand Trunk Railway Company's trains between London and Wingham, Ont.

3519. Inadequate accommodation provided by the Grand Trunk Railway Company at Drummond Station, Ont.

3520. Refusal of the town of Beeton, Ont., to allow the Bell Telephone Company to put in a line to complainant's factory.

3521. Delay of the Canadian Northern Railway Company in settling for right of way through complainant's property at New Ottawa, Sask.

3522. Refusal of the Canadian Pacific Railway Company to lease ground for a hay warehouse at Lundbreck, Alta.

3523. Flooding of farm land by the Canadian Pacific Railway Company at Cabane Ronde, Que., owing to the construction of a new side track at that point.

3524. Delay of the Canadian Northern Railway Company in handling shipments of wood from Dumble and McOwan sidings to Prince Albert, Sask.

3525. Amount paid by the Campbellford, Lake Ontario and Western Railway Company, (C.P.R.), for right of way through property on the east half of lot 50, concession 9, township of Camden, Ont.

3526. Cattle killed owing to lack of fencing on the Canadian Northern railway in the vicinity of Erickson, Man.

3527. Shortage of cars at Sayward, B.C., on the Great Northern railway for the shipment of wood to Rossland, B.C.

3528. Instructions issued by the Canadian Pacific Railway Company to agent at Port Nicoll to load grain for export only, thus leaving local millers out of grain.

3529. Removal of switch by the Algoma Central and Hudson Bay Railway Company, leading from their main line to complainants' sawmill near Sault Ste. Marie, Ont.

3530. Delay of the Canadian Northern Railway Company in completing an extension to their line of twelve miles north of Hollywood, Man.

3531. Unsatisfactory train service and accommodation provided by the Quebec Central Railway Company, (C.P.R.), at Beauceville, Que.

3532. Proposed crossing of the Canadian Northern Ontario Railway Company on lot 28, concession 18, township of Ferris, Ont.

3533. Shortage of cars on the Grand Trunk Pacific railway at Logberg, Sask., for shipping grain.

3534. Shortage of cars on the Canadian Northern railway at Butler station, Man.

3535. Freight rates on coal from Edmonton, Alta., to Saskatoon, Sask., on the Canadian Northern railway.

3536. Inability of complainants to obtain any satisfaction from the Canadian Pacific Railway Company in connection with two claims outstanding against that company.

3537. Size and unsanitary condition of the Canadian Pacific Railway Company's stock yards at Shelburne, Ont.

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3538. Shortage of cars on the Canadian Northern railway at Brock, Sask.

3539. Refusal of the Campbellford, Lake Ontario and Western Railway Company, (C.P.R.), to provide complainant with a cattle pass on the east half of lot 11, concession 7, township of Camden, Ont.

3540. Failure of the Campbellford, Lake Ontario and Western Railway Company, (C.P.R.), to construct an overhead crossing on complainant's property on lot 25, concession 2, township of Clarke, Ont.

3541. Removal of planks from complainant's crossing by the Grand Trunk Railway Company, at lot 21, B.F., township of Clarke, Ont.

3542. Freight rates charged by the Grand Trunk Railway Company on cut stone from Beebe Plain, Que., to Clinton, Ont.

3543. Removal of planks from crossings by the Canadian Pacific Railway Company, in the vicinity of Wakefield, Que.

3544. Inadequate accommodation provided by the Grand Trunk Railway Company at Kerwood, Ont., for the handling of freight.

3545. Dangerous level crossing over the Grand Trunk railway at Kerwood, Ont.

3546. Removal of planks from complainant's crossing by the Canadian Pacific Railway Company, near Cobden, Ont.

3547. Removal of planks from crossings by the Canadian Pacific Railway Company, in the vicinity of Almonte, Ont.

3548. Placing of snow fences on complainant's property at Renown, Sask., by the Canadian Pacific Railway Company.

3549. Inability of complainant to obtain any satisfaction from the Canadian Pacific Railway Company in connection with a claim against that company.

3550. Proposed increase in rates on brick by the Canadian Pacific Railway Company, from Milton to Toronto, Ont.

3551. Delay of Cartage Companies in calling for freight in the city of Montreal, Que.

3552. Inability of coal dealers at Brock, Sask., on the Canadian Northern railway, to secure delivery of their orders, resulting in that district being on the verge of a coal famine.

3553. Alleged excessive freight rates charged by the Canadian Pacific Railway Company on coal, from Quebec to St. Basile, Que.

3554. Lack of station agent at Leask, Sask., on the Canadian Northern railway.

3555. Loss of grip checked at the parcel room in the Canadian Pacific Railway Company's station at Winnipeg, Man.

3556. Blocking of water course by the Campbellford, Lake Ontario and Western Railway Company, (C.P.R.), on complainants' property near Belleville, Ont.

3557. Shortage of cars on the Temiscouata railway.

3558. Loss of a horse which died as a result of delay at Saskatoon, Sask., to car of settler's effects shipped from Calgary to Oyen, Alta., via the Canadian Pacific and Canadian Northern railways.

3559. Freight rates on vegetables from Terrace, B.C., and other points along the Skeena River, to Prince Rupert, B.C.

3560. Unsatisfactory train service of the Grand Trunk Railway Company for the handling of live stock from Paisley, Ont.

3561. Refusal of the Canadian Northern Railway Company to settle claim for cattle killed on their line in the vicinity of Vandura, Sask., owing to inadequacy of cattle guards.

3562. Excessive length of hours of enginemen and firemen on the Père Marquette railway.

3563. Lack of heated car service on the Canadian Pacific railway for the shipment of perishable goods from Quebec, Que.

3564. Removal of telephone from the Canadian Northern Railway Company's station at Leask, Sask.

3565. Shortage of cars on the Canadian Northern railway at Beadle, Sask.

3566. Damage to property through lack of proper drainage facilities on lot 2, concession 8, township of Elden, Ont., Georgian Bay and Seaboard Railway, (C.P.R.).

3567. Removal of complainant's crossing by the Ottawa, Northern and Western Railway Company (C.P.R.) on lot 6, range 10, township of Eardley, Que.

3568. Moving of pay station from Conway, Ont., to Adolphustown, Ont., by the Bell Telephone Company.

3569. Refusal of the Campbellford, Lake Ontario and Western Railway Company (C.P.R.) to reimburse complainant for moving buildings away from their line on lot 13, concession 7, township of Camden, Ont.

3570. Refusal of the Canadian Northern Railway Company to provide complainant with a crossing on his property in the township of Lyon, district of Thunder Bay, Ont.

3571. Delay to a shipment of apples from Oakville to Toronto, Ont., via the Grand Trunk railway.

3572. Condition of passenger trains on the Grand Trunk railway between Montreal and Brockville, and train service of the Brockville and Westport Railway Company.

3573. Delay of the Canadian Northern Railway Company in delivering at Winnipeg, Man., a car of barley shipped from Melfort, Sask.

3574. Proposed change in location of the Canadian Pacific railway through Banff, Alta.

3575. Delay of the Canadian Northern Railway Company in handling milk shipments from Fort Saskatchewan to Edmonton, Alta.

3576. Rate charged by the Dominion Express Company on a turkey shipped from Desbarats, Ont., to Bar River, Ont.

3577. Shortage of cars on the Canadian Northern railway for the shipment of grain from Lashburn, Sask.

3578. Shortage of cars on the Canadian Northern railway at Brooking, Sask.

3579. Discrimination by the Canadian Pacific Railway Company in the matter of car supply at Gleichen, Alta.

3580. Refusal of the Great Northern Railway Company to settle claim for cow killed on their line in the vicinity of Myncester, B.C.

3581. Refusal of the Canadian Pacific Railway Company to settle claim for damage to shipment of apples by frost, while in transit from Macleod to Claresholm, Alta.

3582. Refusal of the Canadian Pacific Railway Company to settle claim for horse killed on their line about three miles east of Laggan, Alta.

3583. Failure of the Canadian Northern Railway Company to supply feed and water for stock at certain points along their line.

3584. Excessive length of hours of employees of the Canadian Pacific Railway Company running out of Moosejaw, Sask.

3585. Condition of fences along the right of way of the Grand Trunk Pacific railway on the northwest quarter of section 3-17-27, W. 2 M., Sask.

3586. Unsatisfactory distribution of cars by the Canadian Pacific Railway Company at Guernsey, Sask.

3587. Shortage of cars on the Canadian Northern railway at Glenavon, Sask.

3588. Alleged refusal of the Grand Trunk Pacific Railway Company's agent at Landis, Sask., to accept a telegram addressed to the Minister of Railways.

3589. Refusal of the Grand Trunk Pacific Railway Company to accept at Edmonton for team track delivery, coal from Morinville, Alta., on the Canadian Northern railway.

3590. Freight rates on malt from Minneapolis to Lethbridge, Alta., via the Canadian Pacific railway.

3591. Condition of fencing on the Vancouver, Victoria and Eastern railway between Cloverdale and Aldergrove, B.C.

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3592. Freight rates on a shipment of knitted goods from Marieville to Montreal, Que., via the Central Vermont railway.

3593. Refusal of the Canadian Northern Railway Company to settle claims for freight short at Brooking, Sask.

3594. Passenger rates charged by the London and Lake Erie Railway Company between Lambeth and London, Ont.

3595. Refusal of the Canadian Pacific Railway Company to entertain claim for seven horses killed on their right of way in the vicinity of Theodore, Sask.

3596. Rates for the carriage of freight traffic upon railway lines operating in Canada west of Port Arthur.

3597. Classification of "Spramotors" being shipped from London, Ont., to the Pacific coast.

3598. Rate on green last blocks from points on the Boston and Maine railroad in Canada to Richmond, Que.

3599. Shortage of cars on the Canadian Pacific railway for the shipment of grain from Castor, Alta.

3600. Shortage of cars on the Canadian Pacific railway at Crossfield, Alta.

3601. Shortage of cars for the loading of grain at Cudworth, Sask., on the Grand Trunk Pacific railway.

3602. Refusal of the Canadian Pacific Railway Company to compensate complainant for ox killed on their right of way one mile east of Viceroy, Sask.

3603. Refusal of the Canadian Pacific Railway Company to settle claim for lamp chimneys and lantern globes broken in transit.

3604. Delay in getting live stock transferred from the Grand Trunk Pacific to the Canadian Northern Railway Company's yards at Edmonton, Alta.

3605. Damage to a shipment of apples by frost at Dunallen, Man., owing to failure of the Canadian Pacific Railway Company's agent to advise consignee of arrival

3606. Dangerous level crossing over the Grand Trunk railway at the main road near Hanover, Ont.

3607. Shortage of cars on the Canadian Pacific railway for the shipment of grain from Pambrun, Sask.

3608. Failure of the Canadian Pacific Railway Company to bulletin the probable hour of arrival of trains at Douglas and Eganville, Ont.

3609. Unsatisfactory connections between trains of the Ottawa and New York and Canadian Pacific Railway Companies, at Finch, Ont.

3610. Shortage of cars on the Canadian Northern railway at Muenster, Sask.

3611. Delay in transferring from Hull, Que., to Ottawa, Ont., cars of lumber loaded on the Canadian Pacific railway in Hull, for shipment via the Grand Trunk railway from Ottawa.

3612. Service rendered by the Grand Trunk Railway Company at Kingston, Ont.

3613. Failure of the Canadian Northern Railway Company to provide the necessary cars for stock, and supply water in its yards at points on its line of railway in the province of Saskatchewan.

3614. Refusal of the Canadian Northern Railway Company to entertain claim for steer killed on their line through lack of fencing on section 18-54-4, W. 5 M., Alta.

3615. Shortage of cars on the Canadian Northern railway at Ruddell, Sask.

3616. Alleged excessive charges by the Atlantic, Quebec and Western Railway Company on a car of machinery shipped from Quebec to Grande Rivière, Que.

3617. Train service provided by the Canadian Northern Quebec Railway Company from Grand Mère to Montreal, Que., on the morning of January 2, 1913.

3618. Alleged excessive rates charged by the Grand Trunk Railway Company on a shipment of goods to St. Dominique, Que.

3619. Proposed discontinuance of the delivering of cars to complainants' siding at Brantford, Ont., by the Toronto, Hamilton and Buffalo Railway Company, owing to the non-payment of a disputed demurrage account.

3620. Inability of complainant to secure delivery of coal orders at Osgoode, Ont., on the Canadian Pacific railway.

3621. Refusal of the Canadian Pacific Railway Company to settle claim for horse killed in the vicinity of Wilkie, Sask., owing to removal of cattle guards.

3622. Delay of the Bell Telephone Company in transferring a telephone in the city of Montreal, Que.

3623. Dangerous level crossing over the Canadian Pacific railway at Glen Major, Ont.

3624. Lack of farm crossing over the Canadian Northern railway on complainant's property in the northeast quarter of section 10-33-4, W. 2 M., Sask.

3625. Canadian Pacific Railway Company's warehouse storage tariff E-2103. C.R.C. E-2501.

3626. Rates on grain and grain products in the province of British Columbia.

3627. Service of the Canadian Pacific Railway Company at the village of Forward, Sask.

3628. Proposed extension of Fischer avenue across the tracks of the Canadian Northern railway in the town of The Pas, Man.

3629. Shortage of cars on the Canadian Pacific railway at Meath, Ont.

3630. Delay to shipments from Chapleau to Toronto, Ont., on the Canadian Pacific railway.

3631. Rate charged by the Canadian Pacific Railway Company on coal from Halkirk to Coronation, Alta., as compared with the rate from Coronation to Consort, Alta.

3632. Storage charges of railway companies.

3633. Shortage of cars for the shipment of grain on the line of the Canadian Northern Railway Company, at Denholm, Sask.

3634. Dangerous level crossings over the Canadian Northern railway at Chinook, Alta.

3635. Poor lighting of coaches on trains of the Great Northern Railway Company.

3636. Blocking of farm crossing by trains of the Canadian Pacific Railway Company just west of Romford Junction, Ont.

3637. Refusal of Grand Trunk Pacific Railway Company to settle claim for horse killed on their right of way in the vicinity of Junkins, Alta., through lack of fencing.

3638. Shortage of cars on the Canadian Pacific Railway at Luseland, Sask.

3639. Shortage of cars on the Great Northern railway at Salmo, B.C.

3640. Rate charged by the Algoma Central Railway Company on shipments of wood from Island Lake to Sault Ste. Marie, Ont.

3641. Lack of shelter for passengers at Eddy station, township of Dawn, Ont., on the Michigan Central railroad.

3642. Refusal of the Grand Trunk Pacific Railway Company to settle claim for two horses killed on their right of way between Stony Plain and Carvel, Alta.

3643. Storage charges of the Grand Trunk Railway Company on two bundles of wall paper at Toronto, Ont.

3644. Excessive freight rates on grain in the western provinces.

3645. Refusal of the Canadian Pacific Railway Company to settle claim for loss occasioned by the negligence of said company in handling a shipment of theatrical effects.

3646. Removal of planks from farm crossing by the Canadian Pacific Railway Company, on lot 23, concession 2, township of Ross, Ont.

3647. Delay in transit to shipment of apples from Ailsa Craig, Ont., to Virden, Man., via the Grand Trunk and Canadian Pacific railways.

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3648. Excessive freight rate charged by the Canadian Pacific Railway Company on gravel from Phalen's Pit to Sturgeon Falls, Ont.

3649. Refusal of the Canadian Pacific Railway Company to settle claim for a quantity of oats destroyed by fire near Keddleston, Sask., caused by sparks from their engine.

3650. Inability of the Grand Trunk Railway Company to handle its Hamilton, Ont., business.

3651. Killing of stock on the line of the Vancouver, Victoria and Eastern Railway Company through lack of proper fencing

3652. Shortage of cars on the Canadian Pacific railway at Halkirk, Alta.

3653. Shortage of cars on the Canadian Northern railway at Candiac station, Sask.

3654. Annoyance caused by trains of the Grand Trunk Railway Company shunting in the vicinity of a church at Caledonia, Ont., during the hours of Sunday service.

3655. Failure of the Campbellford, Lake Ontario and Western Railway Company (C.P.R.), to carry out agreement with complainant in connection with cattle pass on his property on the west half of lot 43, concession 9, township of Camden, Ont.

3656. Dangerous level crossing over the Grand Trunk railway near station at Glen Robertson, Ont.

3657. Condition of cattle pass under the Canadian Northern railway on complainant's property on lot 5, concession 10, township of Chisholm, Ont.

3658. Demurrage charges of the Canadian Pacific Railway Company on a car of household effects at Neepawa, Man., shipped from Pilot Mound, Man.

3659. Shortage of cars on the Canadian Northern railway at Carmel Station, Sask.

3660. Application of the Canadian Pacific and Grand Trunk Railway Companies to add supplements to their tariffs to cover the use of their scales in the weighing of live stock.

3661. Freight charges on a car of coal from Suspension Bridge, N.Y., to Blenheim, Ont., and from Blenheim to Ridgetown, Ont., via the Père Marquette railroad.

3662. Delay at Windsor, Ont., on the Canadian Pacific railway to a car of brick shipped from Shawnee, Ohio, to Mile End station, Montreal, Que.

3663. Action of the Okanagan Telephone Company, Ltd., in refusing connections with Government telephone lines.

3664. Action of the Canadian Pacific Railway Company in discontinuing the practice of accepting bills of lading for cars for delivery in their outlying yards, such as Mile End and Hochelaga at Montreal, Que.

3665. Unsatisfactory service of the Quebec Railway, Light, Heat and Power Company on their line from Quebec city to Kent-House Park.

3666. Inability of farmers on the Canadian Northern railway to ship flax to Minneapolis which is paying three cents over Winnipeg.

3667. Delay at Leaside Junction on the Canadian Pacific railway to a car of corn shipped from Chicago, Ill., to Bannockburn, Ont.

3668. Delay of the Canadian Northern Railway Company in moving a carload of wheat from Bruno, Sask.

3669. Conditions on bills of lading in reference to responsibility of railway companies in the matter of settlement of claims for goods damaged in transit.

3670. Freight charges on shipment of household effects from Stratford, Ont., to Vancouver, B.C., via the Grand Trunk and Great Northern railways.

3671. Delay to a car of beans shipped from Blenheim, Ont., to Halifax, N.S., via the Canadian Pacific and Intercolonial railways.

3672. Freight rates charged by the Quebec Oriental and the Atlantic, Quebec and Western Railway Companies.

3673. Discrimination against Brandon, Man., in favour of Winnipeg, Man., by the Canadian Pacific Railway Company in the matter of freight rates on moulding sand and scrap iron from Duluth, St. Paul and Minneapolis.

3674. Proposed building of a spur line by the Canadian Northern Railway Company along the bank of the Rainy river and over the Rainy River Colonization road, south of lots 20 and 21, in the town of Fort Francis, Ont.

3675. Dangerous level crossing over the Grand Trunk railway at Mill street in the town of Milverton, Ont.

3676. Dangerous level crossing over the Canadian Pacific railway at Main street, in the town of Milverton, Ont.

3677. Shortage of cars on the Canadian Northern railway at Kakebecka Falls, Ont.

3678. Freight rates between Montreal, Que., and Sarnia, Ont., as compared with rates between Montreal and Windsor, Goderich, and other towns in western Ontario.

3679. Embargo of the Canadian Pacific Railway Company on shipments from Fort William to Cartier, Ont.

3680. Delay of the Grand Trunk Pacific Railway Company in laying their steel to Loverna, Sask.

3681. Express charges on fruit shipments from Peachland, B.C.

3682. Alleged excessive charges of the Dominion Express Company on a small casting shipped from Trenton to Kemptville, Ont.

3683. Delay to, and charges on, shipment of veal by the Dominion Express Company, from Belle Plain to Moosejaw, Sask.

3684. Lack of fencing on the Grand Trunk Pacific railway on the southwest quarter of section 11-6-8, W. 2. M., Sask.

3685. Incorrect information given by the Canadian Pacific Railway Company as to arrival of their train No. 3 at Vancouver, December 14, 1912.

3686. Delay to a shipment of slate from Bangor, Pa., to Quebec, Que., via the Lehigh Valley and Grand Trunk railways.

3687. Dangerous condition of high tension wires of the Dominion Power and Transmission Company along the right of way of the Grand Trunk Railway Company in the vicinity of complainant's plant on Sherman avenue, Hamilton, Ont.

3688. Demurrage charges of the Canadian Pacific Railway Company on a car of grain delayed on account of the negligence of their agent at Luseland, Sask.

3689. Delay on the Canadian Northern railway to a shipment of household goods from Keewatin, Ont., to Bandette, Minn.

3690. Unsatisfactory service of the Grand Trunk Railway Company between Cobocouk and Lindsay, Ont.

3691. Delay of the Canadian Northern Railway Company in settling for right of way through complainant's property at Brooking, Sask.

3692. Shortage of cars on the Canadian Northern railway at Marshall, Sask.

3693. Alleged refusal of the Canadian Pacific Railway Company to accept eastern grain shipments which are ordered direct to destination.

3694. Lack of station and agent at Dixie, Ont., on the Canadian Pacific railway.

3695. Delay to a shipment of radiators from Ottawa, Ont., to Aylmer, Que., via the Canadian Pacific railway.

3696. Uncompleted condition of the Canadian Northern railway between Macleod and Pincher Creek, Alta.

3697. Dangerous level crossing over the Dominion Atlantic railway east of the station at Waterville, N.S.

3698. Service of the Quebec Oriental Railway Company between Matapedia and Gaspé, Que.

3699. Condition of fences on right of way of the Quebec Oriental Railway Company in the municipality of Mann, Que.

3700. Unsatisfactory mail service of the Bay of Quinte Railway Company between Napanee and Tamworth, Ont.

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3701. Unsatisfactory heating of the Grand Trunk Railway Company's station at Burford, Ont.

3702. Delay of the Canadian Northern Railway Company in moving carloads of grain from Maymont, Sask.

3703. Refusal of the Canadian Pacific Railway Company to entertain claim for loss of horses that died as a result of drinking poisonous water at the Lethbridge, Alta., stock yards.

3704. Condition of locomotives running out of Prince Albert, Sask., on the Canadian Northern railway.

3705. Condition of the Canadian Northern Quebec Railway Company's station at Dugas, Que.

3706. Loss by the Canadian Express Company, of a box of lobsters shipped from Halifax, N.S., to Valleyfield, Que.

3707. Delay of the Canadian Pacific Railway Company in placing a car of wheat for unloading at Fort William, Ont.

3708. Dangerous level crossing over the Kingston and Pembroke railway at the Renfrew and Douglas road in the township of Admaston, Ont.

3709. Extra charge of Cartage Company at Toronto, Ont., for work involved in breaking up a shipment for delivery to thirteen different consignees.

3710. Refusal of the Canadian Pacific Railway Company to provide complainant with a cattle pass on his property at Woodlands, N.B.

3711. Unsatisfactory suburban service of the Canadian Pacific Railway Company between Guelph and Toronto, Ont.

3712. Damage by fire to field of flax on complainant's property on the south half of section 16-29-18, W. 3. M., Sask., Canadian Northern railway.

3713. Flooding of complainant's property through lack of culverts on the Canadian Northern railway in the vicinity of Homewood, Man.

3714. Delays of the Grand Trunk Railway Company in placing cars in Toronto yards.

3715. Damage to sugar bush by the Campbellford, Lake Ontario and Western Railway Company in changing their location across lots 34 and 25, concession 4, township of Tyendinaga, Ont.

3716. Refusal of the Canadian Pacific Railway Company to settle claim for shortage in shipment of wheat to Fort William, Ont.

3717. Express rates on magazines from Prince Albert to Fort Qu'Appelle, Sask.

3718. Refusal of the Grand Trunk Railway Company to deliver shipments to complainant's spur at Wallaceburg, Ont., in gondola cars.

3719. Canadian Pacific Railway Company, for allowing sewage from an hotel at Iberville Junction, Que., to drain across their right of way onto complainant's land.

3720. Inability of complainants to ship lumber to Montreal points owing to the Canadian Pacific Railway Company refusing to accept C.N.R. cars.

3721. Freight rates on carload of hay shipped from Escuminac, Que., to Grand River, Que., via the Quebec Oriental and Atlantic, Quebec and Western railways.

3722. Alleged discrimination by the Canadian Pacific Railway Company in the distribution of empty cars to lumber manufacturers in British Columbia.

3723. Dangerous level crossing over the Canadian Northern railway at Water street, Winnipeg, Man.

3724. Freight rates of the Canadian Pacific Railway Company on lumber shipments from Beausejour, Man.

3725. Extra charge of the Canadian Pacific Railway Company on coal delivered to complainants for consumption in their plant on the Humber river, west of Toronto, Ont.

3726. Cartage charges on a shipment of paper straws from Toronto, Ont., to Montreal, Que., via the Grand Trunk railway.

3727. Alleged discrimination by the Canadian Pacific Railway Company in the distribution of empty cars, and their refusal to supply complainant with same.

3728. Dangerous level crossings over the Dominion Atlantic railway in the vicinity of Waterville, N.S.

3729. Unsatisfactory passenger service on the Port Arthur Division of the Canadian Northern railway.

3730. Switching charges on carloads of grain from complainants' elevator on the Great Northern railway in South Vancouver, B.C., to the Canadian Pacific railway.

3731. Refusal of the Canadian Pacific Railway Company to switch carloads of empty barrels to complainant's siding from their stores department at Winnipeg, Man.

3732. Excessive freight rates of the Great Northern Railway Company on ore from Salmo to Nelson, B.C.

3733. Freight tariff of the White Pass and Yukon Railway Company on portage between Taku Arm and Atlin Lake.

3734. Proposed expropriation of property at Regina, Sask., by the Canadian Northern Railway Company for the construction of spur tracks.

3735. Freight rates of the Canadian Pacific Railway Company on a shipment of household goods from Vancouver Island, B.C., to Bawlf, Alta.

3736. Alleged overcharge on a car of asbestos product shipped from Milwaukee to Dryden, Ont.

3737. Shortage of cars on the Canadian Northern railway at Fielding, Sask.

3738. Delay in transit to car of oats shipped from Denzil, Sask., to Fort William, Ont., via the Canadian Pacific railway.

3739. Unsatisfactory service of the Canadian Northern railway at Legal, Alta.

3740. Fares charged by the Dominion Atlantic Railway Company between Newport station and Windsor, N.S.

3741. Refusal of the Canadian Pacific Railway Company to entertain claim in connection with overcharge on car of coal shipped to Plantagenet, Ont.

3742. Unsatisfactory train service of the Canadian Pacific Railway Company to and from Madrid station, Sask.

3743. Condition of crossings over the Atlantic, Quebec and Western railway in the district of St. Adelaide de Pabos, Que.

3744. Excessive rates charged by the Bell Telephone Company for telephone service in North Toronto, Ont.

3745. Grand Trunk Railway Company, for leaving cars of dynamite standing on Blue Bonnet siding near Ville Ste. Pierre, Que., for a considerable length of time.

3746. Loss of a parcel shipped from Ottawa, Ont., to Roleau, Sask., via the Dominion Express Company.

3747. Manner in which the Algoma Central Railway Company are constructing bridge across the West river near Loon Lake, Ont.

3748. Freight rates on fire bricks from St. Paul or Minnesota transfer to points in Canada.

3749. Passenger rates of the Canadian Northern Railway Company between Toronto and Orono, Ont.

3750. Failure of the Campbellford, Lake Ontario and Western Railway Company, (C.P.R.), to file with the assessment commissioner of the municipality, a statement of the lands they had acquired for right of way purposes, in the township of Clarke, Ont.

3751. Additional charge by railway companies of ten cents for manifest fee.

3752. Alleged excessive freight rates on car of settlers' effects shipped from Wawota to Arthland, Sask., via the Canadian Pacific and Grand Trunk Pacific railways.

3753. Expropriation of land by the Canadian Pacific Railway Company in the southwest quarter section of township 22, range 25, W. 3 M., Sask.

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3754. Proposed action of the Canadian Pacific Railway Company in discontinuing the maintenance of a station at Grand Forks, B.C.
3755. Unsatisfactory freight service of the Grand Trunk and Canadian Pacific Railway Companies for the shipment of fresh meats from Chatham, Ont., to eastern markets.
3756. Rate charged by the Canadian Pacific Railway Company on a car of barley shipped from Sedgewick, Alta., to Winnipeg, Man.
3757. Inadequate car sealing system of the Grand Trunk Railway Company.
3758. Express rates between Montreal, Que., and Shubenacadie, N.S.
3759. Stock killed on the Canadian Northern railway in the vicinity of Katrimo, Man., owing to lack of proper fencing and cattle guards.
3760. Classification of liquid soap in barrels.
3761. Classification given to articles generally known as "plumbers' supplies."
3762. Condition of the Grand Trunk Railway Company's track between North Bay and Toronto, Ont.
3763. Delay of the Grand Trunk Pacific Railway Company in unloading car of grain at Fort William, Ont., shipped from Coblenz, Sask.
3764. Condition of the roadbed of the Grand Trunk Railway Company in the vicinity of Cayuga, Ont.
3765. Blocking of crossing over the Michigan Central railway on the gravel road between the townships of Sandwich East and Sandwich West, at the east end of the Windsor yards.
3766. Canadian Northern Railway Company's proposed elevated tracks across the Haymarket square in the city of Montreal, Que.
3767. Loss and inconvenience caused by the widening of the Canadian Pacific Railway Company's right of way in the vicinity of Erickson, B.C.
3768. Bell Telephone Company's rates over party line in connection with its Huntingdon, Que., exchange.
3769. Shortage of cars on the Canadian Northern railway at Sleeman, Ont.
3770. Danger to pedestrians crossing the Victoria bridge, leading from Point St. Charles to St. Lambert, Que., after dark, owing to there being no lights.
3771. Damage to railway right of way fences by farmers in the vicinity of Dunn and Portage la Prairie, Man.
3772. Condition of the Canadian Northern Quebec Railway Company's station at Ste. Marie Salomee, Que.
3773. Rate on coal from Matapedia to Cape Cove, Que., via the Quebec Oriental and Atlantic, Quebec and Western railways.
3774. Inconvenience and expense incurred owing to lack of connection between the Grand Trunk and Central Ontario railways at Trenton, Ont., for Picton, Ont.
3775. Delay on the Grand Trunk railway to a shipment of rubber hose and belting from Passaic, N.J., to Ouitchowan Falls, Que.
3776. Unsatisfactory handling of freight by the Canadian Northern Railway Company at Port Arthur, Ont.
3777. Delay to a car of starch shipped from Cardinal, Ont., to Regina, Sask., via the Grand Trunk and Grand Trunk Pacific railways.
3778. Freight and demurrage charges on a car of posts shipped from Whitemouth, Man., on the Canadian Pacific railway, to Mentmore siding, on the Canadian Northern railway.
3779. Dangerous level crossing over the Central Ontario railway at Hastings Road, about one mile south of Bancroft, Ont.
3780. Proposed increase in switching rates as covered by Tariffs G.T., C.R.C. 2677 and C.P., C.R.C., E-2538.
3781. Dangerous level crossing over the Grand Trunk railway at Perth road, one mile north of Kingston, Ont.

3782. Service rendered by the Bell Telephone Company in the city of Toronto, Ont.
3783. Alleged excessive charges of the Bell Telephone Company for the installation of a private telephone at Montreal, Que.
3784. Alleged excessive charge of the Canadian Express Company on a parcel of toys shipped from Toronto, Ont., to Newport Centre, Que.
3785. Lack of fire guards on the Canadian Northern railway where it crosses section 9-50-2, W. 4 M., Alta.
3786. Delay of the Canadian Northern Railway Company in moving a car of wheat loaded at Vawn, Sask.
3787. Rate charged on settler's effects shipped from Creston, B.C., to Canfield Junction, Ont., via the Canadian Pacific railway.
3788. Unsatisfactory train service provided by the Canadian Pacific Railway Company at Arden and Mountain Grove, Ont.
3789. Unsatisfactory switching service of the Canadian Pacific Railway Company at complainant's works at West Toronto, Ont.
3790. Delay of the Canadian Northern Railway Company in moving two cars of wheat from Brancepeth, Sask.
3791. Switching charges of the Toronto, Hamilton and Buffalo Railway Company on a car of coal shipped from Buffalo, N.Y., for delivery to the Grand Trunk Railway Company at Hamilton, Ont.
3792. Refusal of the Canadian Pacific Railway Company to allow complainants twenty-four hours, under rule 2 of the Car Service Rules, for designating the points at which they desire cars placed for unloading at Mile End.
3793. Refusal of the Canadian Pacific Railway Company to settle claim for horse killed in the vicinity of Purple Springs, Alta.
3794. Alleged excessive charge of the Dominion Express Company on two sacks of flour shipped from Elstow to Blucher, Sask.
3795. Delay to a car of wheat shipped from Drake, Sask., to Fort William, Ont. via the Canadian Pacific railway.
3796. Storage rates charged on baggage by railway companies in Western Canada.
3797. Uncompleted condition of Canadian Northern Railway Company's crossing at main road leading to the village of Glenavon, Sask., north of section 24-14-9, W. 2. M.
3798. Shortage of cars on the Temiscouata and Intercolonial railways.
3799. Shortage of cars on the Canadian Northern railway at Spring Creek, Sask.
3800. Unsatisfactory train service provided by the Canadian Pacific Railway Company at Blandford station, Ont.
3801. Unsatisfactory train service of the Grand Trunk Railway Company between Toronto and Peterboro, Ont.
3802. Inadequate accommodation of the Grand Trunk Railway Company for handling freight at Quebec, Que.
3803. Lack of fencing on the Canadian Northern Railway in the vicinity of Katrine, Man., resulting in horses being killed.
3804. Inability of complainant to obtain settlement of claim for damage to shipment of apples by frost while in transit from Bowmanville, Ont., to Winnipeg, Man. via the Grand Trunk Railway, Northern Navigation Company and Canadian Pacific railway.
3805. Inability of complainant to obtain wages due him from the Canadian Northern Railway Company.
3806. Shortage of cars on the Canadian Pacific railway for the shipment of produce from the St. John, N.B., valley.
3807. Cancellation contained in Supplement No. 7 to Great Northern Railway Company's Tariff C.R.C. 885, taking out through rates on lumber from Baynes a Waldo, B.C., via Fernie, B.C., to Canadian Pacific Railway points.
3808. Refusal of the Dominion Atlantic Railway Company to honour return portion of ticket between Boston and Hantsport, N.S., which was sold to complainant as an 'unlimited' ticket.

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3809. Rate on mill feeds shipped from Lethbridge, Alta., to Sweet Grass, Montana, over the lines of the Canadian Pacific and Great Northern Railway Companies.
3810. Erection of snow fences on complainant's property by the Canadian Pacific Railway Company at Perdue, Sask.
3811. Inconvenience experienced by complainant and friends through being put off the train at the wrong station when travelling from Edmonton to Junkins, Alta., via the Grand Trunk Pacific railway.
3812. Proposed removal of the Canadian Pacific Railway Company's station from its present site at Burdett, Alta.
3813. Canadian Pacific Railway Company's toll of \$5 per car for switching lumber from complainants' siding at Port Arthur to the interchange between the C. P. R. and C. N. R. at Port Arthur, on traffic destined for delivery on C. N. R. sidings at Westfort.
3814. Flooding of complainants' land at Arnprior, Ont., owing to the Canadian Pacific Railway Company's culvert being too small.
3815. Canadian Pacific Railway Company's schedule of rates to apply on building materials shipped to Montreal, Que.
3816. Delay of the Temiskaming and Northern Ontario Railway in settling claim for box of clothing lost in transit from North Bay to Cobalt, Ont.
3817. Condition of the Canadian Northern Railway Company's station at Morinville, Alta.
3818. American Express Company's charge on a package of furs shipped from Kingston, Ont., to Corry, Pa.
3819. Freight rates on grain and salt from Essex and Windsor, Ont., to Cordova Mines, Ont.
3820. The numerous accidents occurring in the Michigan Central Railroad Company's 'hump' yard at Windsor, Ont.
3821. Freight service of the Canadian Northern Railway Company at Picton, Ont.
3822. Unsatisfactory connections of the Canadian Northern railway with the Grand Trunk railway with regard to points east of Trenton, Ont.
3823. Lack of shelter for passengers and freight at 'Meadows Spur' in the Beaver valley, B.C., on the line of the Great Northern Railway Company.
3824. Express charges on a parcel of raw furs shipped from Alix, Alta., to Corry, Pa.
3825. Express charges on shipments from Montreal and all points east of Trenton, Ont., to Picton, Ont.
3826. Delay in delivery at Picton, Ont., of express shipments from points east of Trenton, Ont.
3827. Condition of the Hallboro-Beulah branch of the Canadian Northern Railway Company.
3828. Delay in transit to car of wheat shipped from Fielding, Sask., to Port Arthur Ont., via the Canadian Northern railway.
3829. Delay of the Canadian Northern Railway Company in settling for right of way through complainant's land.
3830. Refusal of the Campbellford, Lake Ontario and Western Railway Company to provide complainant with a cattle pass on his property in lots 22 and 23, concession 4, township of Hinchinbrooke, Ont.
3831. Uncompleted state of the Canadian Pacific Railway Company's Lacombe-Moose Jaw branch.
3832. Closing of farm crossing and ditch by the Grand Trunk Railway Company at Huntingdon, Que.
3833. Uncompleted condition of the Canadian Pacific Railway Company's Kerrobert-Wilkie branch.
3834. Delay of the Canadian Northern Railway Company in moving a shipment of oats loaded at Ridgville, Man.
3835. Alleged excessive charges on a shipment of coal from Colgate to Goodwater, Sask., and from Colgate to Radville, Sask., via the Canadian Northern railway.

APPENDIX "B."

LIST OF APPLICATIONS HEARD AT PUBLIC SITTINGS OF THE BOARD
FOR THE YEAR ENDING THE 31st OF MARCH, 1913.

3378. Application, K. and P. Ry., under section 167, for approval of plans showing proposed alteration of location of station at Godfrey, Ont. File 19099.

Order made refusing the application.

3379. Application, C.V. Ry., for authority to construct connection from main track of the said C.V. Ry. at mile 1.8 from Farnham, Que., northwesterly to connection with C.P.R. spur to military camp and to use said spur. File 17794. (Adjourned hearing).

Order made granting the application subject to certain terms and conditions as set forth in the order. See order No. 16466.

3380. Application, C.L.O. and W. Ry., under section 159, for an order authorizing the location of a portion of its Glen Tay to Belleville branch line from mile 15, on the westerly boundary of the township of South Sherbrooke, thence in a southwesterly direction across the townships of Oso, Bedford and Hinchinbrooke, crossing the tracks of the K. and P. Ry. near its Parham station, to the westerly boundary of the township of Hinchinbrooke at mile 38.5, all in the county of Frontenac, Ont. File 3701.6.

Order made granting the application.

3381. Application, C.L.O. and W. Ry., under section 159, for an order approving the location of its Glen Tay to Cobourg line from mileage 38.5, (Glen Tay being at mileage zero), at the eastern boundary of the township of Sheffield, thence in a southwesterly direction to mileage 58.5 at the western boundary of the township of Richmond, all in the united counties of Lennox and Addington. File 3701.10.

Order made granting the application.

3382. Application, C.L.O. and W. Ry., under section 159, for an order approving the location of its Glen Tay to Cobourg line from mileage 38.5, (Glen Tay being at mile zero), through the townships of Tynedunaga and Thurlow, to mileage 75.45 at the eastern boundary of lot 9, concession of the said township of Thurlow. File 3701.11.

Order made approving the location from mile 68 to 75.45.

3383. Application, C.L.O. and W. Ry., under sections 159 and 167, for an order (a) approving the location of a portion of its Glen Tay to Cobourg line from a point on lot 23, concession 1, township of Sydney, county of Hastings, province of Ontario, at mileage 79.5 (from Glen Tay), thence in a westerly direction to the western boundary of the town of Trenton (also being the western boundary of the county of Hastings) in the said township of Sydney, at mileage 88.21, and (b) authorizing the applicant company to take possession of a portion of the C.N.O. Ry. Co.'s right of way at mileage 79.5. File 3701.7.

Order made authorizing the railway company to take possession of a portion of the C.N.O. Railway Company's right of way, as shown on plan filed with the Board.

3385 follows 3383. Application, C.N.O. Ry., for an order authorizing the operation of its trains across the tracks of the C.P.R., and G.T.R. at the St. Lawrence and Ottawa Junction on the east side of the Rideau River, near Ottawa, Ont. File 3878.244. NOTE: Board will take up matter of operation of interlocking plant by two towers instead of one.

Order made directing the C.N.O. Ry. Co. to pay the cost of the change proposed to be made to the interlocking plant at the crossing in question. Cost of maintain-

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ing the said interlocking plant to be divided equally between the New York and Ottawa Ry. Co., the C.P. Ry Co., the G.T. Ry Co. and the C.N.O. Ry. Co. See order No. 16451.

3386. In *re* application of J. Y. Rochester, *et al.*, for an order, under section 233, directing the G.T.P. to construct a bridge across part of the entrance to Cameron bay so as to leave an entrance of 45 feet for the passage of barges and other small craft beneath the same from Prince Rupert harbour to the said Cameron bay. *Note:* The G.T.P. is required to show cause why an order should not go imposing a penalty on the company for non-observance of order 15735.

3387. Application of the G.T.P. for an extension of time to comply with order 15735, in connection with application of J. Y. Rochester, *et al.* File 3452.30.

Order made directing that the G.T.P. Ry. Co. be subject to a penalty of \$100 a day for every day from May 13, 1912, that the work required to be constructed under order 15735, remains uncompleted. See order 16503.

3388. Application, city of Ottawa, Ont., under section 238, for an order directing the G.T.R. to provide for the protection, safety and convenience of the public, where the railway company crosses Bronson avenue, by carrying the highway over the company's tracks at such point, and by constructing and maintaining a bridge or such other work as may be necessary therefor. File 10488.

Order made directing the crossing at Bronson avenue, in the city of Ottawa, be protected by overhead structure, the cost of the work, including abutal, or land damages to be divided as follows:—20 per cent (not exceeding the sum of \$5,000) to be paid out of the Railway Grade Crossing Fund, one-half of the remainder to be paid by the city of Ottawa, and one-half by the G.T.R. Co. If the Ottawa Electric Street railway at any future time decides to use the bridge, application may be made to the Board to readjust the cost of the said work. See order No. 16811.

3389. Complaint, Lennox Tice, of Rivière qui Barre, Alta., against rule 19 of the Canadian Classification.

Irrespective of the minimum charge of 35 cents, the companies will be required to show why the minimum charge for freight classified first-class, or lower, should not be as for 100 pounds at the class or community rate to which it belongs; and for freight classified higher than first-class rate. File 19312.

Judgment reserved.

3390. The G.T.R. and C.P.R. will be required to justify the higher rates on ex-lake corn from Lake Huron and Georgian Bay ports than are charged on wheat and oats ex-lakes.

Also to show cause why the rate on cornmeal and other grain products from Montreal to St. John, N.B., should not be reduced from 17½ cents to 15 cents per 100 pounds.

See judgment of Commissioner McLean, dated March 6, 1912, on the application of the Transportation Bureau of the Montreal Board of Trade. File 17819.

3391. (a) That the C.P.R. grant milling-in-transit privileges at Sudbury, in connection with wheat shipments from Port Arthur, Fort William, and Westfort, and re-shipments of the flour manufactured therefrom to New York for export.

(b) That the C.P.R. grant a commodity rate of 15 cents per 100 pounds on grain from Port Arthur, Fort William, and Westfort, to Sudbury, for milling purposes; the product to be re-shipped to Canadian points not covered by the milling-in-transit arrangement, or which enters into local consumption at Sudbury. File 19001.

Complaint withdrawn by applicant.

3392. Application, Canadian Freight Association, for rescission of order of the Board No. 6844, dated April 6, 1909, issued on the application of the said association, in so far as it relates to the commodity rates on wire fencing and netting, in carloads, from Hamilton, Windsor, and Walkerville to points east of Toronto, therein prescribed. File 7346. Case 3210.

Order made refusing the application. See order 16395.

3393. Complaint, J. L. Boyes, Napanee, Ont., relative to alleged excessive charges of express companies for C.O.D. collections and remittances. File 4214.226.

Order made that the express companies prepare tariff or a supplement to the Express Classification showing a scale of charges for the return of the proceeds of C. O. D's upon other than merchandise rates basis, and file with the Board by the 27th of July, 1912.

3394. Notwithstanding the conditions of carriage of express freight by one or more companies, as amended by Supplement 7 to the Express Classification for Canada No. 2, or of other classification or tariff conditions, rules, regulations or exceptions relating to joint traffic, the Canadian Northern Express Company will be required to justify the higher tolls it is charging from points on the Central Ontario railway, to Canadian and Dominion Express Companies' points, than were formerly charged by the Canadian and Dominion Express Companies between the same points. File 4214.215.

No Order made. See judgment of the Chief Commissioner dated the 17th of April, 1912. Appendix 'C.'

3395. Application of the city of Salaberry de Valleyfield, P.Q., for order compelling the G.T.R. to remove gate and erect proper crossing at intersection of Edmond street and the railway. (Adjourned hearing). File 9437.710.

Application dismissed.

3396. Application of the parish of St. Philippe, P.Q., for an order directing the C.P.R. to provide a suitable and safe crossing where the same intersects the highway in that parish. (Adjourned hearing.) File 9437.726.

Railway company stated that matter had been arranged between the parties and company would report to the Board as soon as the work was completed.

3397. Petition of the residents of Laprairie, P.Q., for an order directing the G.T.R. to provide better train service to and from that point. (Adjourned hearing.) File 19026.

Judgment reserved. Matter referred to the chief operating officer of the Board to investigate.

3398. Petition from the residents in the vicinity of Ste. Martine, St. Constant and St. Chrysostome, P.Q., that the G.T.R. be directed to keep station at Beaulieu warm during the winter. File 15306.

Matter reported upon by the chief operating officer of the Board and no order deemed necessary.

3399. Petition from the residents in the vicinity of Ste. Martine, St. Constant and St. Chrysostome, P.Q., that commutation tickets be furnished on demand by the G.T.R. the same as given by the N.Y.C. and H.R.R. and the C.P.R., *e. g.*, for Rigaud and Ste. Agathe des Monts, P.Q. File 19569.

Matter reported upon by the chief operating officer of the Board, and no order deemed necessary.

3400. Complaint from the residents in the vicinity of Ste. Martine, St. Constant and St. Chrysostome, P.Q., relative to insufficient car supply on the G.T.R., for the shipment of hay from that district. File 19568.

Matter reported upon by the chief operating officer of the Board, and no order deemed necessary.

3401. Petition from the residents in the vicinity of Ste. Martine, St. Constant and St. Chrysostome, P.Q., for better train service and equipment on the G.T.R. Fort Covington-Montreal line. File 19343.

Matter reported upon by the chief operating officer of the Board, and no order deemed necessary.

3402. Complaint from the municipality of Ste. Philomene, P.Q., relative to G.T.R. train service between Montreal and Masenna Springs and their refusal to install an agent at Ste. Philomene station. File 19426.

Matter reported upon by the chief operating officer of the Board, and no order deemed necessary.

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3403. *Re* Park Avenue subway, town of St. Louis, P.Q., under the tracks of the Canadian Railway Company. (NOTE) The city to show cause why this subway should not be immediately constructed. File 12912.

Order made that the city of Montreal commence work on or before May 15, 1912, and complete same within six months.

3404. Application of the Chamber of Commerce of Joliette, P.Q., for an order requiring the C.P.R. to grant to the said town the same rates of freight as are granted to the city of Montreal for all shipments from Joliette to all points west and east of Quebec Junction, including all branches, in order to make Joliette a competing point, so as to be on the same footing as Montreal. File 4830.

Application withdrawn, the parties having reached a settlement.

3405. Application of manufacturers of Oshawa, Ontario, for an order authorizing the C.N.O.R. Co's industrial spur in the town of Oshawa, Ontario, from the southern limit of Bond street to mileage 3.95. File 18653.

Application dismissed.

3406. Application of the town of Welland, Ontario, for authority to open Major street across the tracks of the Grand Trunk Railway Company in Welland. (Adjourned hearing.) File 18923.

Order made granting leave to town to open Major street at its own expense in accordance with the standard specifications of the Board, the crossing to be protected by a day and a night watchman selected by the Grand Trunk Railway Company and paid for by the town.

3407. Application, town of Welland, Ont., for authority to construct pavement on South Main street across G.T.R. spur to the works of M. Beatty & Sons. File 19621.

Arranged between the parties.

3408. Complaint from Mr. J. O. Hall, commercial traveller, Toronto, Ont., relative to missing G.T.R. connection at Belleville, Ont., when en route to Madoc, Ont., although he notified the conductor that he wished to make this connection. File 19445.

Complaint dismissed.

3410 follows 3408. Consideration of the matter of protection of the crossing of the Walkerton and Lucknow railway at Hutton Hill, township of Bentinck, county of Grey, Ontario. File 9018.

Order made directing the railway company to install an electric bell at the said crossing by August 3, 1912, and to maintain the said bell at its own expense, 20 per cent of the cost of installing the bell to be paid out of The Railway Grade Crossing Fund and the remainder to be paid by the railway company. See Order 16428.

3411. Complaint of A. G. Glarry, Locust Hill, Ontario, alleging dangerous conditions and lack of protection of C.P.R. crossing at that point. File 9437.780.

Order made directing the C.P.R. Company to install within three months an electric bell, 20 per cent of the cost which is to be paid out of The Railway Grade Crossing Fund.

3412. Application of the C.L.O. and W. Ry. Co., under sections 167, 159 and 176, for an order authorizing revision of location from mileage 134.68 at a point on the centre line of road allowance between the townships of Hope and Clarke, opposite lot 35, concession 1, township of Hope, thence westerly through the townships of Darlington and Clarke, to mileage 155.66 to a point allowance between the townships of Darlington and Whitby, Ontario, excepting thereout the town of Bowmanville, and for an order authorizing the location through the town of Bowmanville, Ont. File 3701.17.

Order made approving the location.

3413. Application of the C.L.O. and W. Ry. Co., under sections 159, 167 and 176, for approval of location mileage 124.83 to 127.34 through township of Hope, town of Port Hope; for authority to revise mileage 127.34 to 134.68, township of Hope; and for authority to expropriate G.T.R. lands.

Order made granting the application. See order 16471.

3414. Application of the Campbellford, Lake Ontario and Western Railway under section 227 for authority to construct its tracks over the tracks of the Canadian

Northern Ontario spur on the north-west bank of the Trent river, Trenton, Ont., mileage 87-86. File 3701-21.

Order made, upon consent, approving the location.

3415. Application of the Campbellford, Lake Ontario and Western Railway under section 227, for authority to construct at mileage 88.09 over the tracks of the Central Ontario Railway in the town of Trenton, Ont. (Glen Tay to Cobourg line.) File 3701-22.

Order made, upon consent, approving the location.

3416. Consideration of the resolution of the Board of Trade of Aylmer, Ont., regarding the unsatisfactory arrival of G.T.R. train No. 22 at that point in the morning. File 9644, Part 2.

Settled between the parties. Arrangement *re* change of time table to become effective June 23, 1912. Copies of service agreed on to be filed by railway company and served on parties interested.

3417. Resolution of the town of Simcoe, Ont., complaining against train service furnished by the Grand Trunk Railway into and out of Simcoe and vicinity, particularly to and from the city of Hamilton. File 9644, Part 1.

Settled between the parties. Arrangement *re* change of time table to become effective June 23, 1912. Copies of service agreed on to be filed by railway company and served on parties interested.

3418. Complaint Board of Trade, Dunnville, Ontario, relative to unsatisfactory train service of Grand Trunk Railway on Caledonia to Hamilton line. File 9644.1.

Settled between the parties. Arrangement *re* change of time table to become effective June 23, 1912. Copies of service agreed on to be filed by railway company and served on parties interested.

3419. Consideration of the matter of train service by the Grand Trunk Railway between Canfield Junction and Port Dover, Ontario. File 11759.

Settled between the parties. Arrangement *re* change of time table to become effective June 23, 1912. Copies of service agreed upon to be filed by railway company and served on parties interested.

3420. Consideration of the matter of train service of Grand Trunk Railway between Hamilton and St. Thomas, Ontario, *via* the air line. File 11760.

Settled between the parties. Arrangement *re* change in timetable to become effective June 23, 1912. Copies of service agreed upon to be filed by railway company and served on parties interested.

3421. *Re* delays to trains of Grand Trunk Railway operated by the air line by the operation of the Wabash Railway trains over that line. File 11761.

Settled between the parties. Arrangement *re* change of time table to become effective June 23, 1912. Copies of service agreed upon to be filed by railway company and served on parties interested.

3422. Resolution of the village of Cayuga, Ont., for additional train service to and from that point by Grand Trunk Railway. File 6930.

Settled between the parties. Arrangement *re* change of time table to become effective June 23, 1912. Copies of service agreed upon to be filed by railway company and served on parties interested.

3423. Complaint of the Muskoka Wood Manufacturing Co., Ltd., Huntsville, Ont., alleging car shortage and discrimination in the matter of supplying cars by the Grand Trunk Railway. File 19319.

Complaint withdrawn.

3424. Complaint of Dominion Millers Association *re* delay in moving grain and flour shipped from Fort William and Port Arthur during the months of January February and March, 1908. File 9473, Case 4742. (Adjourned hearing.)

No action taken. Judgment reserved.

3425. General shortage of cars and operating facilities. Files 18705; 18705.1 18705-2. (To be taken up with No. 26.)

Judgment reserved.

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3426. Application town of Goderich under section 228 for an order directing that the lines of the Grand Trunk and Canadian Pacific railways be connected at or near Goderich Harbour, Ont. File 8007. Case 3613. (Note) Board will consider question of division of cost of spur.

Order made refusing to vary the terms of order 15777. See order 16438.

3427. Application of the city of Toronto, Ont., under sections 237 and 238, for an order directing the C.P.R. to protect the crossing at Lansdowne avenue, Toronto, Ont., near Royce avenue. File 9437.774.

Order made directing the protection of Lansdowne avenue, by gates to be installed by the C.P.R. Co. by June 2, 1912, cost of constructing gates to be paid as follows: 30 per cent by the city of Toronto, 30 per cent by the C.P.R. Co., 20 per cent by the Canada Foundry Co. and 20 per cent out of The Railway Grade Crossing Fund, the cost of maintenance to be borne and paid, one-third by the city of Toronto, one-third by the railway Company and one-third by the Canada Foundry Co. See Order No. 16444.

3428. Application of the Canadian Pacific Railway *re* King street terminals, Toronto, Ont., for approval of plans showing encroachments on Front street and work to be done at that point. File 14163.

Order made granting the application. See order 16837.

3429. Application of the C.N.O. Ry. under section 237, for authority to construct its lines and tracks across Symes road, Toronto, Ont. (Adjourned hearing.) File 12021.10.

Order made granting the application. See order 16432.

3430. Application of the C.N.O. Ry. under section 227, for authority to cross industrial spur of the city of Toronto, south of Winchester street, Toronto, Ont., mile 253 from Ottawa, Ont. (File 3878.501.)

Application withdrawn.

3431. Application of the C.N.O. Ry. under section 237, for authority to construct its line of railway across Weston Plan road, Toronto, Ont., by means of structure carrying the railway over the highway. File 12021.84.

Order made authorizing the crossing by means of a subway 56 feet wide. See order 16467.

3432. Application of the Canadian Northern Ontario Railway Company, under section 227, for authority to cross the tracks of the G.T.R. near Davenport road, Toronto, Ont. (Adjourned hearing.) File 12021.22.

Order made granting the application. Chief engineer of the board to decide what lands are to be given to the G.T. Ry. Co. for the lands taken from it. See order 17080.

3433. Application of the G.T.R. for approval of plans of change of location and details of construction with part one of Toronto Grade Separation, Toronto, Ont.

NOTE.—The question of the construction and maintenance of the flooring of the subways may be spoken to. File 588-6.

No order necessary.

3434. Petition Breakwater Construction and Engineering Company for an order authorizing the construction of siding to stone quarry on lots 13 and 14, concession 1, and broken front, lake Erie, township of Bertie, Ont., on line of Grand Trunk railway. File 19676.

By consent the railway company to file an amended plan and, on application, the spur to be constructed in thirty days.

3435. Complaint of David Maxwell & Sons, of St. Mary's, Ont., that the rates on cypress lumber from Taft and Ramos, La., to Hamilton, London and St. Mary's, Ont., discriminate in favour of Hamilton and London against St. Mary's, and applying for an equalization of rates. File 17050.

No order made.

The Interstate Commerce Commission having suspended until December 13, 1912, the operation of the schedule containing joint international rates on lumber originating in the territory south of the Ohio river.

3436. Complaint of the Cadwell Sand and Brick Company of Windsor, Ont., against the increased rates on bricks from Bradford, Penn., to points in Southern Ontario. File 19391.

Board decided that the rates charged by the railway company on pressed brick are not unreasonable. See judgment of Commissioner McLean dated March 25, 1913. Appendix "B".

3437. Application of the Department of Lands of the Province of British Columbia for an order regulating the operation of railway locomotives within the province of British Columbia with regard to the spreading of fires upon adjacent lands in the dry season of the year. (Adjourned hearing.) *Note.* Draft regulations are set down for discussion. File 4741.

Order made directing that a circular issue giving specific instructions in connection with order No. 16520, dated May 22, 1912, to enginemmen, conductors, brakemen and firemen, on all roads subject to the Board's jurisdiction.

3438. Application of the Canadian Press, Limited, Toronto, that the G.N.W. Telegraph Company and the Western Union Telegraph Company be required to file with the Board, press service rate in all Canadian territory. File 12002-1.

Order made refusing application, requiring the Great North Western Telegraph Co. and the Western Union Telegraph Co. to provide special tolls for press service, and directing the C.P.R. Telegraph Co., the G.N.W. and the Western Union Telegraph Co. to restore the rate of 25 cents per 100 words for press specials in the Maritime Provinces, rate to become effective June 17, 1912.

3439. Application, town of Walkerton, Ont., regarding Walkerton and Lucknow Railway bridge across Saugeen river. File 6813.

Order made in accordance with the consent, minutes filed.

3440. Consideration of the new regulations relating to "baggage of excess size" published and filed by the G.T.P., C.N.R., O. and N. Ry. and Wab. R.R. Cos., effective July 1, 1912, which regulation by orders of the Board, has been suspended *sem die* until the parties affected can be heard.

Order made, effective date to be 1st July, 1912.

3441. Complaints to various universities, colleges and schools, that the railway companies which carry students at one-half the one way fare, with minimum of \$20 per capita, purpose withdrawing and cancelling the arrangement on and after July 1 next, and applying for an order requiring the companies to continue the arrangement. File 19419.

Judgment reserved.

3442. Complaint of the Pacific Fruit Express Co., and Santa Fe Refrigerator Despatch Co., alleging that the railway companies between Lake Superior and British Columbia discriminate against them by refusing to pay mileage for the use of refrigerator cars owned and operated by complainants in the performance of transportation as common carriers and applying for an order requiring payment of such compensation where now refused. File 8033-2.

No order made. Carriers to file a tariff covering this particular case.

3443. Petition, Elmira Board of Trade, Elmira, Ont., for an order directing the C.P.R. and G.T.R. to provide interswitching facilities at that point. File 18762.

Judgment reserved, the petitioners to advise the Board whether or not they or the town of Elmira will contribute anything towards the cost of providing inter-switching facilities at Elmira.

3444. Application, C.N.O.R., under sections 228 and 237, for authority to construct spur from a point on joint section of C.P.R. and C.N.O.R. at Parry Sound, into the premises of the Canada Chemical Company's suclter, crossing Prospect and Isabella streets, and for authority to expropriate a strip on Wanbeck street. File 19674.

Order made authorizing the construction of the spur. See order 16656.

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3445. Application C.L.O. and W.R., under section 159 for approval of location Glen Tay to Cobourg line from mileage 68 to 75.45. File 3701.11.

Order made granting the application.

3446. Application C.L.O. and W. R., under sections 159, 167, and 176, for approval of revised location from mile 75.45 through township of Thurlow and city of Belleville to mile 77.75 approving location mile 77.75 to 79.5 on west boundary of east half of lot 31, concession 1, township of Sidney, Ont., for authority to expropriate C.N.O.R. tracks, mile 76 to 77 and right of way from mile 76 to 79.4. File 3701.29.

Order made granting the application.

3447. Application C.L.O. and W.R., under sections 159, 167 and 176 for an order.

(a) Approving of a revision in the location of its Glen Tay to Cobourg line, as previously approved by order of the Board No. 15289, from mile 75.45 (Glen Tay being at mile zero), thence in a westerly direction through the townships of Thurlow and city of Belleville, in the county of Hastings, to mile 77.32, in the block of land lying to the southwest of the corner of Dundas street and Bay Ridge road in the said city.

(b) Approving of location of its said line from mile 79.2 at the western boundary of the road allowance, between lots 32 and 33, concession 1, township of Sydney, thence in a westerly direction to mile 79.5, in lot 31 of the last mentioned concession.

(c) Authorizing it to take possession of the right of way and tracks of the C.N.O.R. in the said city of Belleville, from mile 77.28 at the westerly boundary of Bay Bridge road; thence in a westerly direction to mile 79.5, at a point in lot 32, concession 1, township of Sydney. Adjourned hearing. File 3701.12.

Application as covered by *a* and *b* struck out. No action taken. As regards *c*, order made as applied for.

3449 follows 3447. Application, C.L.O. and W.R., under section 159, for approval of location from mileage 160.86 from Glen Tay at a point on the boundary line between the townships of East Whitby and Whitby, through the town of Whitby and township of Pickering, to mileage 177.30, Ontario. File 3701.23.

Order made approving the location of the applicant company's line from mileage 174 to 176 from Glen Tay. See order 17362.

3450. Application, C.L.O. and W.R., under section 227, for authority to construct tracks of its proposed Glen Tay to Cobourg line across tracks of the B. of Q. R. at mileage 44.03, in lot 33, concession 8, township of Camden, Ont. Adjourned hearing. File 3701.9.

Order made granting the application subject to the conditions set forth in the order. See order 17012.

3451. Application, C.L.O. and W.R., under section 227, for authority to construct Glen Tay to Cobourg line across tracks C.N.O.R. mileage 94.91, in lot 27.8, concession "B," township of Brighton, Ont. (Adjourned hearing.) File 3701.20.

Order made granting the application on terms set forth in judgment of Assistant Chief Commissioner.

3452. Application, C.L.O. and W.R., under section 227, for authority to construct across tracks of the Grand Junction Railway, (G.T.R.) on Pinnacle street, near corner of Dundas street, Belleville, Ont. File 3791.27.

Order made granting the application.

3453. Application, C.L.O. and W.R., under section 227, for authority to construct its tracks mileage 162.93, over the G.T.R., Whitby, Ont., by means of overhead bridge. File 3701.24.

Application withdrawn.

3454. Application, C.L.O. and W.R., under section 227, for authority to cross with its Glen Tay to Cobourg line the tracks of the G.T.R. main line in lot 27, concession 2, township of Thurlow, Ont., mileage 70.74. File 3701.15.

Application refused.

3455. Application, C.L.O. and W.R., under section 227, for authority to construct its Glen Tay to Cobourg line across the tracks of the Thurlow railway or the Canada Cement Company's spur in the township of Thurlow, Ont. File 3701.16.

Order made granting the application.

3456. Application, C. L. O. and W.R., under section 227, for authority to construct across tracks of the Pointe Anne railway (Canada Cement Co, owners) in 15. concession 1, township of Thurlow, Ont., mileage 74.24. File 3701.19.

Order made providing for crossing and interlocker.

3457. Application, G.B.S.R. (C.P.R.) under sections 151 and 178, for authority to construct drain along its right-of-way through the lands of F. Walden, in southeast quarter of lot 25, concession 5, township of Ops, Ont., and for authority to expropriate lands for such purpose. File 19757.

Order made granting the application and authorizing the company to take, for such purposes as they desire, the lands described in the order. See order 17212.

3458. Consideration of the question of the elimination of the grade crossing of C.P.R. at Yonge street, North Toronto, Ont. (Adjourned hearing.) File 9437.153.

Order made granting the application.

3459. Application, corporation of the city of Toronto, for an order directing the C.P.R. to erect gates or such other protection as the Board may deem proper at Dovercourt road crossing, Toronto, Ont. (Adjourned hearing.) File 9437.724.

Order made pending the separation of the grade and directing the C.P.R. Co. to protect the said crossing with a day and a night watchman, one-half the expense to be borne by the applicant and one-half by the railway company. See order 16665.

3460. Application, C.P.R., under section 222, for authority to construct spur from a point on its Toronto to London line (Ontario and Quebec) lot 10, concession "G," township of Etobicoke, Ont., thence northerly for distance of 4.55 miles to connect with Toronto to Owen Sound line (Toronto, Grey and Bruce) in lot 11, concession 5, township of York. (Adjourned hearing.) File 17040.

Application dismissed.

3461. Application, C.P.R., under section 237, for authority to construct its proposed Lambton to Weston line across and to divert certain highways in townships of York and Etobicoke, Ont. (Adjourned hearing.) File 17040.2.

Order made that application be dismissed.

3462. Application, C.P.R., under section 227, for authority to construct Lambton to Weston branch underneath the Toronto to Sarnia branch of the G.T.R. in the village of Weston, Ont., the said Lambton to Weston line being from lot 10, concession 'C,' township of Etobicoke, to Toronto to Owen Sound line, lot 11, concession 5, township of York, Ont. File 17040.1.

Order made dismissing the application. See order 16662.

3463. Application, B. of Q.R., for an order to settle terms of interchange of traffic with the C.P.R. at Tweed, Ont. File 18621.

Order made granting the C.P.R. Co. leave to continue to use the spur of the applicant company upon payment of the sum of \$1 per loaded car. Movement of the empties from the opposite direction to be free of charge to the C.P. Ry. Co.

See order 17372.

3464. Application, Bell Telephone Co. of Canada respecting crossing over C.P.R. and G.T.R., at Brock avenue, Toronto, Ont. File 19486.

Order made that application be refused.

3465. Board will consider the plans of new Union Station, Toronto, Ont., submitted by the railways. Adjourned hearing. File 588. Case 2828.

Order made approving plans.

3466. Application, Lake Erie and Northern Railway, under sections 234 and 243, for approval of highway crossings beginning in the city of Brantford to the terminus of said road in the village of Port Dover, Ontario. File 18034.2.

Order to go upon agreement between the parties being filed.

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3467. Application of the Lake Erie and Northern Railway Company, under section 227, for leave to cross at grade the tracks of the Brantford and Hamilton Electric Railway Company, the Toronto, Hamilton and Buffalo Railway Company, and the Grand Valley Railway Company, in the city of Brantford, Ont. File 18034.3.

Order made granting the application.

3468. Application, Lake Erie and Northern Railway, under section 227, for approval of the crossing of the tracks of the G.T.R. at grade, at the town of Simcoe, Ontario. File 18034.5.

Stands until the applicant company files the plans required by the Board in connection with this matter.

3469. Application of the South Ontario Pacific Railway Company (C.P.R.), under section 237, for authority to construct tracks across highway between lots 5 and 6, concession 3, township of East Flamboro, Ontario, at mileage 11.27. File 1852.23.

Order made authorizing the crossing. See order 17203.

3470. Application of the city of Hamilton, Ontario, for an order restraining the G.T.R. from shunting cars on Ferguson avenue, Hamilton, Ont. Adjourned hearing.

Note—This matter set down for further discussion. File 18292.

Order made that the Grand Trunk Railway Co. compensate existing land owners on either side of Ferguson avenue from Cannon street southerly to Rebecca street, who were owners prior to the establishment of the Cannon street yard and whose lands may be injuriously affected by the shunting of the company's cars on Ferguson avenue, the said compensation to be determined as provided by the Railway Act; or in the alternative the company shall have the option of purchasing any lands so affected; and, if necessary, an order authorizing the expropriation of the lands to be made by the Board.

3471. Application, city of Hamilton for approval of plans showing subway under Grand Trunk railway tracks at a point where proposed extension of Birch avenue northerly would intersect said line near Sherman inlet, Hamilton, Ontario. File 17345.

Order made granting the application.

3472. Application of the city of Hamilton, Ont., for extension of Birch avenue under the tracks of the main line of the G.T.R. File 17346.

Order made granting the application.

3473. Application of the city of Hamilton, Ontario, for authority to construct Dunsmore road across the spur of the T.H. and B. railway in lot 6, concession 2, township of Barton, Hamilton, Ont. File 19169.

Order made granting the application.

3474. Application of the C.N.O. railway, under section 227, for authority to cross the lines and tracks of the G.T.R. near Burlington, Ontario. (Adjourned hearing.) File 12021.69.

No order made.

3475.. Application of the township of Nelson, county of Halton, Ontario, for hearing as to protection of the G.T.R. crossing at Plains road, west of Burlington Junction, Ont. (Adjourned hearing.) File 9437.765.

Order made refusing the application and directing the construction of a subway, \$5,000 of the cost of which to be paid out of The Railway Grade Crossing Fund and of the remainder, 5 per cent to be paid by the township of Nelson, 5 per cent by the village of Burlington, 25 per cent by the C.N.O.R. and 65 per cent by the G.T.R. Companies, detailed plans to be filed by 27th of April, 1913, and work to be completed by September 1, 1913.

3476. Application, C.N.O. Ry., under section 159, for approval of location through township of East Flamboro, mile 34.84 to 38.54. File 12021.71.

Order made granting the application.

3477. Application of the C.N.O. Ry. for authority to cross the highway between lots 8 and 9, concession 1, township of East Flamboro, by means of an overhead structure. File 12021.72.

Order made granting the application.

3478. Application of the city of Hamilton, under section 237, for authority to extend Lottridge street from the Beach road to Gilkinson street across line of the G.T.R. at lot 7, concession 1, township of Barton, Ontario. File 19227.

Order made refusing the application.

3479. Application of the city of Hamilton, Ontario, under section 237, for an order authorizing the construction, at grade, of Lottridge street, across the spur lines of the T.H. and B. Ry. Co., at lot 7, concession 1, township of Barton, Ontario. File 19227.1.

Order made refusing the application.

3480. Application of the city of Hamilton, Ontario, under section 237, for authority to extend Lottridge street from the Beach road to Gilkinson street across the line of the Hamilton Radial Electric Railway Company. File 19227.2.

Order made refusing the application.

3481. Consideration of the matter of protection of T.H. and B.Ry. crossing at Walnut street, Hamilton, Ont. File 9437.867.

Order made directing the crossing to be protected by a day and night watchman at the expense of the Toronto, Hamilton and Buffalo Ry Co., the question of providing gates reserved for further consideration. See order 16708.

3482. Consideration of the matter of protection of the G.T.R. crossing at King street and Sherbrooke street, Peterborough, Ont. File 9437.797.

Order made that two sets of gates to be erected at King street and two sets at Sherbrooke street. Question of cost reserved. Gates to be installed within three months from the 31st May.

3483. Application, P.R.R., under sections 227 and 246, for authority to construct street railway line across tracks of the G.T.R. and C.P.R. into the works of the Canadian General Electric Co., on the west side of Park street, Peterborough, Ont. File 19808.

Order made granting the application.

3484. Application, city of Ottawa, Ont., under the Railway Act, for an order directing the G.T.R. to remove its tracks from Preston street, Ottawa, Ont. (Adjourned hearing.) File 19344.

Order made that application be refused.

3485. Application, C.A.R. (G.T.R.), sections 222,237 and 59A for authority to construct, maintain and operate a siding for the Export Lumber Company, crossing Preston street, in the city of Ottawa, Ont. Adjourned hearing. File 19344.1.

Order made that application be granted subject to conditions set forth in order 3486. Application, C.P.R., under section 358, for approval of change in location of station and freight shed at Meath, formerly called Graham's, Ont., lot 20, concession 2, east of Westmeath, Ont. Filed 19738.

Order made granting the application.

3487. Complaint of Vancouver, Nanaimo Coal Mining Co., Ltd., that the E. and N.R. refuse to handle private coal cars over their main line. File 19535. Note: The railway company will be asked to show cause why such private equipment when properly equipped according to M.C.B. rules should not be handled by the company.

Order made dismissing the application. See order 18246.

3488. Application, Robt. Kelly, for an order approving of location of station to be constructed by the G.T.P. on lot 882, group 1, Cassiar district, B.C., and restraining the location of any station upon lot 851, group 1, Cassiar district; and application of G.T.P. for approval of location of station grounds and station on lot 851 group 1, Cassiar district, B. C. File 18787.

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Order made directing the railway company to construct a station on lot 882, group 1, Cassiar district, B.C., to be ready for use when the company's line is open for traffic. Leave reserved to the G.T.P. to apply to the Board for approval of the station site, which will give adequate facilities to the people of Hazelton. Order No. 16891 rescinded. See order 16987.

3489. Consideration of the matter of protection at the Dominion Atlantic Railway Company's crossings at Prince street and William street, Hantsport, N.S. File 9437.831.

Order made directing the railway company to install an electric bell at crossing of Prince street, to be maintained at its own expense, 20 per cent of the cost of installing the bell to be paid out of The Railway Grade Crossing Fund, company to have a watchman protect the crossing on William street. See order 16735.

3490. Consideration of the matter of protection of the crossing of the Dominion Atlantic Railway Company at Gerrish street, Windsor, N.S. File 9437.828.

Order made directing the railway company to install a pair of gates at Gerrish street and to employ day and night watchmen, 20 per cent of the cost to be paid out of The Railway Grade Crossing Fund and 20 per cent of the salary of the watchman and of the cost of maintenance to be paid by the municipality. See order 17087.

3491. Consideration of the matter of protection at Albert and Cedar streets, Windsor, N.S., on the line of the Dominion Atlantic Railway Company. File 9437.830.

Order made that the railway company install, by the 11th August, 1912, an electric bell at the crossing of Albert street and maintain the same at its own expense. 20 per cent of the cost of installing the bell to be paid out of The Railway Grade Crossing Fund and the balance by the railway company.

3492. Consideration of the matter of protection at the crossing of the Dominion Atlantic Railway at Standish street, Windsor, N.S. File 9437.829.

Order made that the railway company install, by the 11th of August, an electric bell at the said crossing and maintain the same at its own expense, 20 per cent of the cost of installing the bell to be paid out of The Railway Grade Crossing Fund and the balance by the railway company. See order 16732.

3493. Application of the municipality of Larochelle, parish of St. Gregoire, P.Q., that the G.T.R. be directed to construct new and modern station at intersection of the G. T. R. and Q. M. and S. Ry. to be called St. Gregoire station, and that telegraph service be installed in same. File 19456.

Order made in terms of oral judgment of Assistant Commissioner.

3494. Application of the C.P.R. for a re-hearing with respect to the application of the citizens of St. Francois de Sales, P.Q., for an order directing the C.P.R. to provide a station and agent at that point, and which was ordered by order No. 16304, dated 11th of April, 1912. File 17908.

Order made dismissing the application. See order No. 16993.

3495. Application of the residents of the parish of St. Jerome, P.Q., for an order requiring the C.P.R. to re-open the station called Lesage on their Montreal and Mont Laurier line, to repair the same and make it habitable for the person in charge, and to stop their passenger trains, one coming down from Mont Laurier to Montreal, and one going up from Montreal to Mont Laurier and so restore the state of things which existed up to 1910. (Adjourned hearing.) File 16717.

Order made requiring the Canadian Pacific to stop its mail train up and down on flag from 1st May to 1st October.

3496. Application, Quebec Rifle Association, for an order directing the C.N.R. to stop its trains at a point opposite the Pointe Aux Trembles Rifle Association, and to have special rates to and from this point. File No. 17174.

Order made that application be refused.

3497. Petition, Eustis Mining Company, of Boston, Mass., for an amendment to Canadian Car Service Rules which will permit a free time allowance on cars containing shipments of ore for export via steamers. File 1700.20.

Referred to the Board's chief traffic officer to report on.

3498. Application, town of Shawenegan Falls, P.Q., for an order directing the C.N.Q. Ry. to modify the subway called Station avenue across which the railway company's track is constructed within the limits of the town so that the said highway may be carried over the company's tracks. File 9437.42.

Order made granting the application.

3499. In the matter of the location of station on the line of the C.P.R. at Richmond, P.Q. File 18092.

Order made that the location of the applicant company's new station in Richmond be approved. See order 16859.

3500. Application of the Algoma Eastern Railway Company, under section 227, for an order granting to the company authority to connect its lines and tracks with the lines and tracks of the Soo branch of the C.P.R. and with the Huronian spur of the Canadian Copper Co. to Turbine, lots '7 and 8, concession 1, township of Drury, Ont. File 10844.16.

Order made authorizing the connection of the applicant company's tracks with the tracks of the C.P.R. Co. at the expense of the applicant company.

3501. Application of the C.N.O. Ry., under section 167, for approval of the revised location through the townships of Field, Badgerow and Gibbons, mile 260.47 to 265.92, from Ottawa. (North Bay—Capreol Junction line). File 18402.14.

Order made approving the revised location of the company. See order No. 16800.

3503 follows 3501. Application of the Bourget Brick Manufacturing Co., Ltd., for an order under section 77, directing the C.P.R. to modify its freight tariff on brick from Bourget to Montreal. File 18511.

Application struck off. To be placed on list again upon formal application for such purpose.

3504. Application of the Montreal Board of Trade, under section 321, for an Order directing the railway companies to provide ratings in the Canadian Classification on Flannellette sheets of second class L.C.L. and Fourth Class C.L. (Adjourned hearing.) File 19449.

Judgment reserved.

2505. In the matter of the complaint of the Regina Board of Trade that the tariffs of the Canadian Northern and Canadian Pacific Railway Companies do not carry out the provisions of order of the Board No. 12520, dated 10th of December, 1910. File 12682, part 2.

Judgment reserved.

3506. Application of the Montreal Board of Trade on behalf of the Montreal Produce Merchants' Association for an order directing the G.T.R. to transport without delay, and to deliver promptly in Montreal, shipments of butter, cheese and eggs. File 19775.

Referred to the Board's chief operating officer and dealt with in his report. No action taken by the Board.

3507. In re congestion and non-delivery of freight in the city of Toronto, Ont. File 18663.2.

Referred to the Board's chief operating officer and dealt with in his report of the 16th September, 1912. No action taken by the Board.

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3509 follows 3507. Railway companies to show cause why an order should not go prohibiting them from issuing an embargo against any traffic for a period longer than four days without first giving the Board at least ten days' previous notice of its intention to issue such embargo, and the reasons therefor. Circular No. 87. File 19801.

Order issued that whenever a railway company issues an embargo it shall, within forty-eight hours thereafter, file with the Board a copy of such embargo, with a statement of the conditions which render it necessary, the action required to remove such conditions and the proper time such embargo will be continued; and when embargo is withdrawn to forthwith notify the Board. See general order No. 95.

3510. Application of the C.P.R. (Ontario and Quebec) to revise main line through town of Woodstock, and to cross highways, close up some highways, and divert others as follows: Bexley and Hunter streets, Jordon street, Thames street, Dundas street, Buller and Yep streets. File 19332.

Order made granting the application, subject to the conditions set forth in the order, the railway company to construct a subway on Dundas street and to file a plan by August 8, 1912, thereof; 20 per cent of the cost of constructing the subway to be paid out of The Railway Grade Crossing Fund, the municipality and the railway company to agree, if possible, upon the proportion to be borne and paid by the municipality. If they fail to agree, the Board will determine the amount. See order 16986.

3511. Application of the city of Woodstock, Ont., for an order directing the G.N.W. Telegraph Co. to place their wires in underground conduits, as follows: Section Wellington street to Reeve street, 12 wires; on Reeve street, 10 wires; Reeve street to G.N.W. office, 22 wires; G.N.W. office to Vansittart avenue, 11 wires. File 19479.

Judgment reserved. Parties to furnish each other and the Board with a statement of the cost of the work, etc., and when received the Board's electrical engineer to report on the matter.

3512. Complaint of Jas. Mackay, of Oliver, Ont., relative to dangerous crossing on G.T.R. at Elgin street, St Mary's, Ont. File 9437.572.

Order made directing the G.T.R. Co. to install at the said crossings two electric bells. The bells to be installed by the 2nd October, 1912, 20 per cent of the cost to be paid out of The Railway Grade Crossing Fund, and the balance by the railway company. See order No. 16988.

3513. Complaint of Jas. Mackay, of Oliver, Ont., relative to dangerous crossing on the line of the G.T.R. midway between Elgin and Elizabeth streets. File 9437.822.

Order made directing the G.T.R. Co. to install at the said crossing two electric bells. The bells to be installed by the 2nd October, 1912, 20 per cent of the cost to be paid out of The Railway Grade Crossing Fund and the balance by the railway company. See order No. 16988.

3514. Complaint of Jas. MacKay, of Oliver, Ont., relative to dangerous crossing on G.T.R. at Elizabeth street, St. Marys, Ont. File 9437.781.

Order made directing the G.T.R. Co. to install at the said crossing two electric bells. The bells to be installed by the 2nd October, 1912; 20 per cent of the cost to be paid out of The Railway Grade Crossing Fund, and the balance by the railway company. See order No. 16988.

3515. Application of the Père Marquette Ry. for approval of form of proposed application for inspection, or as may seem necessary, with respect to drainage at south side of Talbot road east, township of Southwold, Ont., part of lot No. 1, in the 7th and 8th, concession, township of Yarmouth, and at town line used in lieu thereof between the townships of Southwold and Yarmouth. File 19294.

No action deemed necessary by the Board.

3516. Complaint of A. O. Veitch, of Corinth, Ont., with respect to two crossings of the G.T.R. in the village of Corinth, Ont., township of Bayham, Ont. File 9437.369-9437.784.

Order made that the G.T.R. Co. install an electric bell at each of said crossings in the village of Corinth by the 28th September, 1912; 20 per cent of the cost of installation to be paid out of The Railway Grade Crossing Fund, and the balance by the railway company. See order No. 16936.

3517. Application of Everiste Nomore Richards and George H. Bennett, Windsor, Ont., for an order directing the G.T.R. to provide suitable farm crossing from applicant's lands to Strabane avenue, concession 1, township of Sandwich East, Ont. File 13227.

Order made directing the G.T.R. Co. to construct a crossing in the nature of a farm crossing for the applicants. The cost of construction and maintenance to be borne and paid for by the applicants. See order No. 16962.

3518. Application of the village of Stoney Point, Ont., for an order directing the G.T.R. to erect a station at a convenient point in the village and to remove or abandon the one at present in use. (Re-hearing.) File 17635.

Order made amending order No. 15766 by adding thereto a clause directing that the G.T.R. Co. continue to maintain the switch to the elevator of Hay Bros., and that the police trustees of the village of Stoney Point pay to the Grand Trunk the sum of \$200 toward the cost of maintaining the said switch. See order No. 17252.

3519. Application of the C.N.O. Ry., under section 258, for approval of location of station grounds at Kilfoyle, Ont. File 18642.

Order made approving location.

3520. Application of the C.N.O. Ry., under section 258, for approval of station location at Twin Elm, Ont. File 18645.

Railway company to file a plan showing a right angle crossing, instead of the present skew.

3521. Application of the Empire Limestone Co., Ltd., for authority to construct a tunnel under right of way belonging to Carroll Bros., on lot 5, concession 1, township of Humberstone, Ont. File 19825.

Order made authorizing the construction of a tunnel under Carroll Bros. siding on lot 5, subject to certain conditions set out in the order, order No. 17007, dated July 13, 1912, appealed. See order 18187.

3522. Application of Carroll Bros., Buffalo, N.Y., for an order directing the G.T.R. to construct extension of siding in road allowance between lots 4 and 5 in the township of Humberstone, near Sherkston, Ont. File 17332.1.

Order made on consent between the parties.

3523. Application of the C.L.O. and W. Ry. for approval of location from mileage 121 to 124.83, to cross road allowance between the counties of Durham and Northumberland and to take certain lands of the G.T.R. and C.N.O. Ry. File 3701.28.

Order made approving the location of the company's line from mileage 121 to mileage 124.83, and authorizing the company to take certain lands of the G.T.R. and C.N.R. See orders 17036 and 17363.

3524. Application of the C.L.O. and W. Ry. under Sections 159 and 176, for an Order authorizing the location of its line from mile 125.5 (from Glen Tay) thence southwesterly through portion of the township of Hope, thence across the town of Port Hope, Ont., to mile 127.32 on the westerly limit of said town. File 3701.40.

Order made approving part of the location from Yonge Street West to mileage 127.32.

3525. Application of the C.L.O. and W. Ry. for approval of location from mile 155.13 to 165.13 and through the town of Whitby, Ont. File 3701.45.

Portion of the application stands, pending the filing by the applicant company of the consent of the town of Whitby. That portion of the location from mileage 155.13 to 157 approved.

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3526. Application of the C.L.O. and W. Ry. Co., for an order authorizing location of portion of its line from mile 177.3 (from Glen Tay) and road allowance between counties of York and Ontario, thence in a westerly direction through the township of Scarboro to mile 183.51 in lot 23, concession 3, township of Scarboro, county of York, the last mentioned point on the main line of the O. and Q. Ry. File 3701-55.

Order made granting the application.

3527. Application of the C.L.O. and W. Ry. Co. under Section 227, for authority to construct its tracks at mile 163.46 from Glen Tay across the tracks of the G.T.R. at Whitby, Ont. File 3701.46.

Order made granting the application upon the conditions set forth in the order. See order No. 17092.

3528. Application of the C.L.O. and W. Ry. under Section 227, for authority to construct across tracks of the Oshawa Electric Ry. at Oshawa, Ont., at mileage 158.85 and 159.02 (from Glen Tay) at Simcoe and Prospect streets. File 3701-34.

Order made on consent of all parties.

3529. Application of the C.L.O. and W. Ry. for authority to make certain changes in its line of railway to construct its tracks across tracks of the Bay of Quinte Ry. at mile 43.86, being in lots 33 and 34, concession 8, township of Camden, Ont. File 3701.9.

Order made granting the application and authorizing the applicant company to take certain portion of the right of way of the Bay of Quinte Railway Co. See order No. 17012.

3530. Application of the C.N.O. Ry. under Section 227, for authority to cross the Montreal Park and Island railway near Cartierville, P.Q. File 2342.72.

Order made granting the application, parties to agree on the mode of crossing.

3531. Application of the C.N.O. Ry. under Section 227, for authority to cross the Montreal Park and Island railway at Sault aux Recollets, P.Q. (Montreal-Ottawa line). File 2342.73.

Order made in the terms of the reply filed with Board, except as to the head-room, which is to be 14 feet.

3532. Consideration of the matter of requiring railway companies subject to the Board's jurisdiction to show cause why a general order should not issue requiring railway companies to furnish a heated car service. File 18855.

Order made that upon the receipt of reasonable notice from the shipper or shippers the railway companies operating in Eastern Canada which own refrigerator cars shall furnish a heated refrigerator car, or cars to shipper or shippers for the carriage during cold weather of fruit, vegetables, &c., in less than carload quantities, subject to certain other provisions in the order. See general order No. 98.

3533. On the application of the British Canadian Cannery, Ltd., the G. T. Ry. Co., to show cause why the "stop-off" arrangement with respect to canned goods, as shown in item 4 of the company's Special Freight Tariff C.R.C. No. E-2374, applicable west of Toronto only, should not be extended so as to include Bowmanville and Cobourg as stop-over points. File 19823.

Order made granting the application.

3534. Application of the Montreal Board of Trade, under section 323, for an order disallowing that portion of C.P.R. Tariff E.2365 covering terminals; substituting therefor a clause stating that the rate includes terminal charges at Montreal, P.Q. File 1179.8.

No order made.

3535. Application of the city of Ottawa, Ont., under section 29, for an order amending order of the Board No. 16147, dated March 18th, 1912, establishing a modified collection and delivery zone in the city of Ottawa for express companies so as to include within the said zone the whole of Rideau terrace and that part of Beechwood avenue within the limits of the said city. File 4214.148.

Order made dismissing the application.

3536. Application of the town of Edmundston, N.B., for an order directing the Temiscouata Railway to remove cattle guard and earth from Grand Falls road and make the crossing level with the roadway. File 19395.

Order made that the Temiscouata Railway remove, by the 16th August, the cattle guard and earth where the railway crosses the Grand Falls road, so as to make the crossing level, subject to a penalty of \$25 a day for every day the company is in default under the order. See order No. 17023.

3537. Consideration of the matter of protection of the C.P.R. crossing at Queen street, Woodstock, N.B. File 9437.762.

Order made that the C.P.R. Co. install, by the 13th October, 1912, an electric bell and thereafter maintain the same at his own expense; 20 per cent of the cost of installation to be paid out of The Railway Grade Crossing Fund, the balance by the railway company. See order No. 17022.

3538. Consideration of the matter of protection of the C.P.R. crossing at King street, Woodstock, N.B. File 9437.588.

Judgment reserved.

3539. Application of D. R. Jack, St. John, N.B., *re* C.P.R. fencing its right of way at Duck Cove, parish of Lancaster, N.B., and protest of Mrs. M. M. de Soyres and other residents of Duck Cove against wire fence being placed on the town side of the C.P.R. track from Duck Cove to Andersons. File 18196.

Order made requiring the C.P.R. Co. to fence its right of way at Duck Cove on the south side of the applicant's west line to a point 100 feet west of Mrs. de Soyres gate. Work to be completed by the 19th November, 1912. See order No. 17808.

3540. Application of the Express Traffic Association of Canada on behalf of the express companies represented at St. John, N.B., for approval of delivery limits. File 4214.149.

Matter referred to the chief traffic officer of the Board to investigate and settle.

3541. Application of the Montreal Board of Trade for an order:

(a) Reducing the rate on ex-lake corn from the Georgian Bay ports to Montreal to the same basis as in effect on ex-lake wheat, barley and oats;

(b) Directing the C.P.R. to apply the mileage basis as in effect in Ontario and Quebec, as shown in the company's Tariff C.R.C.E.-1929, on corn meal shipped from Montreal to the company's points in New Brunswick. File 17819.

Order made confirming order of the Board No. 16394, dated the 25th April, 1912, and directing that the mileage tariffs of railway company from ports of trans-shipment of ex-lake corn in carloads for milling purposes be so revised as to provide rates on said corn shall not, in any case, exceed the mileage tariff rates charged from the same ports of trans-shipment and for the same distance on ex-lake wheat, oats and barley in carloads for milling purposes. The revised tariffs to become effective not later than the 10th February, 1913. See order No. 18578.

3542. Application of Francois Gravel, of Chateau-Richer, P.Q., under sections 252 and 253, for an order directing the Quebec Railway, Light, Heat and Power Co to provide a farm crossing on his property. File 17653.

Application dismissed with leave to renew.

3543. Consideration of the matter of protection at the crossing of the main street at Victoriaville, P.Q., over the main line of the G.T.R. File 9437.821.

Order made directing the G.T.R. Co. to install by the 13th September, 1912 gates at the said crossing; 20 per cent of the cost of installation to be paid out of The Railway Grade Crossing Fund, 30 per cent to be distributed by the municipality of Victoriaville, and 50 per cent by the G.T.R. Co.; and of the cost of maintenance 70 per cent to be paid by the railway company and 30 per cent by the municipality. See order No. 17939.

3544. Application of the Quebec Board of Trade, Eug. Julien et Cie, F. Canac Marquis and Louis Canac-Marquis, for an order requiring the C.P. and C.N.C Ry. Companies to reduce their charge to a sum not exceeding \$2.50 per carload for

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switching between Pointe-a-Carch wharf and the companies' sidings in Quebec, including St. Sauveur and St. Malo, traffic originating at, or destined to, railway points on the south shore of the St. Lawrence river via Point Levis or Levis. Files 19573.1, 19573.2, 19573.3.

Order made that the tolls charged by the C.P.R. Co. for interswitching said traffic shall not exceed one cent per 100 pounds, subject to a minimum charge of not more than \$3 per car to or from private sidings, and one and one-half cents per 100 pounds, subject to a minimum charge of not more than \$5 per car to or from public team tracks; the said tolls to be payable by the shipper or consignee, and to become effective not later than December 9, 1913. See order 18135.

3545. Application of the Quebec Public Utilities Commission for an order directing the C.P.R. and G.N.W. Telegraph Companies and the city of Quebec to comply with order of the Quebec Public Utilities Commission with regard to electrical conditions in the city of Quebec. File 19987.

No order necessary for the reasons stated by the Assistant Chief Commissioner at the close of the hearing.

3546. Complaint that the Quebec Railway, Light, Heat and Power Co. running to Montmorency Falls has the lighting of its cars from off the trolley wire in a very defective way; that the people are crowded and that the cars are not run so as to connect with the steam railway at Quebec. File 20019.

No order necessary.

3547. Application of the C.N. Montreal Tunnel and Terminal Co., Ltd., under section 159, for approval of location in the city of Montreal, P.Q. File 18588.

Order made granting application.

3548. Application, Bell Telephone Co. of Canada, for authority to erect and maintain poles and wires in the city of Montreal on certain streets. File 20131.

Order made authorizing the applicant company to exercise its powers by erecting and maintaining poles and wires upon the streets set forth in the order. See order 17232.

3549. Complaint of the Vigaro-Shear Lumber Co., of Port Arthur, Ontario, that they are unjustly discriminated against in the matter of carload traffic ex-Grand Trunk Pacific Ry. points, which is interswitched from the company's terminals at Westfort to Port Arthur. Note: The Grand Trunk Pacific Ry. Co. will be required to show cause why it should not for this distance (which exceeds four miles) absorb a proportion of the interswitching toll of the connecting companies, equivalent to that prescribed by the Board's General Interswitching Order No. 4988, for distances not exceeding four miles; the balance of the toll of its connections to be paid by the companies. File 6713.21.

Order made that the joint freight rates to be charged by the Canadian Pacific, Canadian Northern and Grand Trunk Pacific Railway Companies on lumber in carloads between Port Arthur and Fort William and points on the Lake Superior branch of the Grand Trunk Pacific be not higher than one cent per 100 pounds over and above the rates of the Grand Trunk Pacific between Westfort, Ont., and Lake Superior branch points; tariffs to become effective not later than the 16th October, 1912. See order 17619.

3550. Application of the C.P.R. for approval of plans showing subway to be constructed at Syndicate avenue, Fort William, Ontario. File 16239.

Order made authorizing the construction of subway at Syndicate avenue, Fort William. See order No. 16990.

3551. Application, Mount McKay and Kakabeka Falls Ry., under section 227 for authority to cross C.N.R. at Neebing avenue, between the city of Fort William and the township of Neebing, Ont. (File 19694.)

Order made giving applicants permission to pass under tracks of the C.N.R. through temporary subway to be constructed at that point on conditions that when

permanent subway is constructed, the applicants are to pay such share of the cost of the work as the Board may hereafter direct.

3552. Application, Mount McKay and Kakabeka Falls Ry. Co., under section 227, for authority to cross the C.P.R. line at Neebing avenue between Fort William and township of Neebing, Ont. (File 19693.)

Order made. Half interlocker to be installed at the expense of the applicant company. Detailed plans to be put in for approval of Board's chief engineer.

3553. Application, city of Fort William, under sections 226 and 227, for an order directing the C.P.R. to provide spur from main line in the city of Fort William, along Neebing avenue, crossing C.N.R. at grade, and street railway and highway at Montreal street, so as to connect with spur to the industries of the applicants and also for an order allowing the spur to construct across G.T.P. branch line on Montreal Street. (File 19669.)

Order made amending order No. 17869, dated October 24, 1912, to provide for the construction of the proposed branch line to cross the line of the C.N.R. on Neebing avenue at grade, said crossing to be protected by a half interlocker, and subject to the conditions set forth in the order. See order 18809.

3554. Application, Mount McKay and Kakabeka Falls Ry., under section 227 for authority to construct across the G.T.P. Ry., at Neebing avenue, between the city of Fort William and the township of Neebing, Ont. (File 19695.)

Order made. Half interlocker to be installed at the expense of the applicant company. Detailed plans to be filed for approval of the Board's chief engineer.

3555. Application of the G.T.P. Ry. Co. under section 227 for approval of main line crossing of the Port Arthur and Fort William double track railway on Empire avenue at Sprague street, Fort William, Ont. (File 151932.)

Application withdrawn.

3556. Application of the corporation of the city of Fort William, Ont., under section 237, for an order directing the C.N.R. to provide and construct suitable highway crossings over the company's railway where the following highways intersect the C.N.R. in the city of Fort William, viz.: Neebing avenue, Stanley avenue, Nepigon avenue, Crawford avenue, Home avenue, Mountain avenue, Amelia street, Francis street, Victor street, Mary street, Christina street, Franklin street, Norah street, Frederica street, Gore street, and Empire avenue. (Adjourned hearing.) (File 5547, Case 2191.)

Application struck off the list.

3557. Application of the city of Brandon, Manitoba, for an order permitting the Brandon Electric Light Company, Limited, and the owners of other warehouses, situate between the Electric Light Company's plant and Princess avenue, to unload cars from the spur line of the C.N.R. on the lane between Lorne and Princess avenues in consideration that said company agreeing to maintain a roadway at least sixteen feet wide alongside the cars, while cars are placed. (File 16119.)

Order made granting the application.

3558. Application of the town of Fort Frances, Ont., for an order directing the C.N.R. to provide a suitable station at that point. (File 19916.)

Order made requiring railway company to file plans for a station within ten days from this date, station to be erected by company within ninety days from date of approval of plans.

3559. Application of the C.N.R., under sections 258 and 237, for approval of station and freight shed at Dauphin, Manitoba, and for authority to cross a proposed roadway and to reserve the fee of said proposed roadway in the railway company.

Order made in terms settled at hearing. (File 19984.)

3560. Complaint of the Board of Trade of Pelly, Sask., against the C.N.R., re delay to shipment of freight to Pelly, and railway allowing shipments to remain on siding before forwarding to destination. File 19051.

Complaint dismissed.

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3561. Complaint of the Board of Trade of Roblin, Manitoba, that the station platform provided by the C.N.R. at that point is too small. File 19015.

Settled between the parties.

3562. Complaint of the Board of Trade of Roblin, Manitoba, that the station provided by the C.N.R. at that point is too small. File 19016.

Settled between the parties.

3563. Complaint of the Board of Trade of Roblin, Man., against alleged poor accommodation and condition of stock yard and chute on the C.N.R. at that point. File 19017.

Settled between the parties.

3564. Petition from the residents of the village of Lac du Bonnet, Manitoba, asking that the C.P.R. be directed to change the present location of its station to a point near the village or opposite a road allowance. File 19348.

No Order made. See judgment of Assistant Chief Commissioner, dated the 18th June, 1912. Village of Lac du Bonnet to notify Board what portion of the cost of the work the village is willing to bear.

3565. Application of the Winnipeg Electric Railway Company for a re-hearing in the matter of the application of the said company to cross the Selkirk branch of the C.P.R. at Selkirk avenue and McPhillips street, Winnipeg, Manitoba. File 17610.

Order made that the Board's order No. 15442, dated September 15, 1911, be varied to provide that the said crossing be protected by a half interlocking instead of a full interlocking plant. See order 17491.

3566. Consideration of the matter of the crossing of the tracks of the Winnipeg Electric Railway Company by the C.P.R. at Logan avenue, Winnipeg, Man., authorized by order No. 6501, dated March 12, 1909.

Note: The Board will take up the question of the division of the cost of protection at this crossing. File 8922. Case 4716.

Order made appointing Arthur Sullivan of Winnipeg, barrister, to inquire and take evidence to show whether the portion of line in question is profitable or not and to report to the Board. See order 18189.

3567. Application of D. D. Campbell, of Winnipeg, Man., for an order requiring railway companies to have grain doors stencilled with a line of inches in four places on each side of the car in order to show the depth of grain in the car. File 20070.

Matter referred to the Grain Commissioners at Fort William to deal with.

3568. Application of Canadian Northern Railway Co. for authority to remove spur to the United Fruit and Produce Company's warehouse, Main street, Winnipeg, Man.

Order made granting applicant company leave to remove spur on conditions made.

3569. Petition of Local Improvement District No. 161, Sask., for an overhead bridge on the highway between ranges 26 and 27, W. 2 M., over the tracks of the C.P.R., carrying such bridge over Thunder creek. File 16165.

NOTE: Board will take up the question of the approval of the plans and apportionment of cost.

Order made apportioning the cost as follows: 20 per cent out of The Railway Grade Crossing Fund (not to exceed \$5,000); \$5,000 to be paid by the city of Moosejaw. Balance by the C.P.R. Co. The city to maintain the road and sidewalk on the bridge.

3570. Application of the Board of Trade of Weyburn, Sask., for an order directing the C.P.R. and C.N.R. to provide a connecting track at Forward, Sask., also to have a through freight tariff as well as appointment of an Agent at the Junction point. File 6713.29.

Order made directing the C.P.R. to construct a transfer track at Midale within sixty days. Plans to be submitted to Board for approval. If companies cannot agree as to distribution of the cost, the Board to determine same.

3571. Application of the citizens of Bienfait, Sask., for an order directing the C.N.R. and C.P.R. to provide a transfer track at Bienfait, Sask. File 6713.25.

Order made directing the C.P.R. to construct a transfer track at Midale within sixty days. Plans to be submitted to Board for approval. If companies cannot agree as to distribution of the cost, the Board to determine same.

3572. Petition of the residents of Briercrest, Sask., for an order directing the C.N.R. to install an agent and proper shipping facilities at that point. File 19778.

Order made requiring the company to install an agent before the 1st of August, 1912, to provide a temporary shelter, and to erect station on or before the 1st of December, 1912. Plans of station to be filed and approved by the Board.

3573. Application of the Grand Trunk Pacific Branch Lines Company under section 158, for approval of location of its Regina-Moosejaw branch, mile 40.01 to 47.74, from east line of section 4-17-26, to a point in south-east section 8-17-27, W. 2 M. District of Moosejaw, Sask. File 10863.44.

Order made approving of the location plan. Agreement between the company and the city to be filed. Application and plans for highway crossings to be filed by the company.

3574. Application of the C.N.R. for permission to cross with their tracks east and west road allowance between sections 20 and 29, township 16, range 26, west of the 2nd meridian. File 14134.40.

Order made that company build bridge to carry the highway over the tracks at the point in question. Detail plans to be filed for approval of the Board.

3575. Application of the town of North Battleford, Sask., for an order under section 237 directing the C.N.R. to provide a suitable crossing at Victoria street, North Battleford, Sask. File 18541.

NOTE: Board will take up question of cost of subway objected to by the town, division of cost not settled.

Order made that railway company file plans within thirty days showing a subway at the point in question. See memorandum on file.

3576. Application of the Board of Trade of Ardath, Sask., for an order directing the C.N.R. to install a station agent, express and telegraph at that point. File 19795.

Order made requiring company to erect station and appoint an agent on or before the 1st of October, 1912.

3577. Application of the village of Tisdale, Sask., for an order requiring the C.N.R. to put in a crossing opposite Andrews street, as the present crossing at Main street is continually blocked by trains. File 19720.

Order made by consent, work to be completed by the 1st of September, 1912.

3578. Resolution of the Walter Grain Growers Association, of Waseca, Sask., for an order directing the C.N.R. to install an agent at that point. File 15350.

Order made requiring company to install a temporary agent by the 15th September, 1912. The question of appointment of a permanent agent to stand until it is ascertained what the earnings are at this point.

3579. Application of the rural municipality of Cory No. 344, for an order requiring the C.N.R. to fence its right of way from Saskatoon to the northern limits of R. M. No. 344, through township 37, range 5, W. 3 M. File 9994.51.

Order made requiring railway company to fence each side of its right of way to the north boundary of township 37, range 5, by the first of November, 1912.

3580. Application of the city of Saskatoon for an order requiring the C.N.R. to provide a level crossing at 24th street. File 19780.

Order made granting application upon terms of agreement to be filed with the Board.

3581. Application of the C.P.R. under section 227 for authority to construct the tracks of its Asquith conquest branch at Mile 1.4 across the tracks of the G.T.P. main line in section 20-36-9, W. 3rd M. File 18031.2.

Application refused.

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3582. Petition of residents of Resplendent, B.C., that supplies carried on the G.T. P. Ry. in that district for use of contractors have been sold in competition to private dealers. File 2236.72.

Order to go dismissing the application.

3583. Application of the Canadian Northern Railway under section 227 for authority to cross the lines and tracks of the Canadian Pacific Railway in S.W. $\frac{1}{4}$ section 19-40-26 W. 4 M. near Lacombe, Alta., with its Calgary-Strathcona branch. File 10789.40.

Order made refusing the application.

3584. Application of the Pintsch Compressing Company, Edmonton, Alberta, for an order directing the C.N.R. to construct a spur or branch line into their premises at Edmonton, Alberta. File 16954.

Order made directing the C.N.R. Co. to construct and operate a branch line to the premises of the Pintsch Compressing Co. Work to be completed by October 1st, 1912. See order No. 17401.

3585. Application of the city of Edmonton, Alberta, for authority to carry Spruce avenue, Edmonton, across the C.N.R. File 19437.

Order made granting the application, the character of the protection to be provided to be decided by the Board's engineer after inspection.

3586. Application of the G.T.P. Ry., under sections 221, 222, 223, 224, 225 and 237, for authority to construct, maintain and operate a branch line into sections 18 and 7, township 53, range 23, west of the Fourth meridian, district of North Alberta, and to expropriate the necessary right of way. (Re-hearing). File 19653.

Order made granting the application. See order No. 17827.

3587. Application of the G.T.P. Ry. under section 56, subsection 3, for leave to appeal to the Supreme Court of Canada from order No. 16700, dated June 1, 1912, in *re* G.T.P. Ry. crossing at Spruce avenue, Edmonton, Alberta. File 19436.

Order made refusing application.

3588. Application of the G.T.P. Ry., under section 56, subsection 3, for leave to appeal to the Supreme Court of Canada from order No. 16701, dated the 4th day of June, 1912, in *re* city of Edmonton crossing at level with the lines and tracks of its municipally owned electric street railway, with the necessary poles and wires to transmit power, the lines of the G.T.P. Ry. where the same run along 21st street in the said city at their intersection with Short and Nelson avenues. File 19435.

Order made granting leave to the G.T.R. Co. to appeal to the Supreme Court of Canada on the question of law set out in the order. See order No. 17408.

3589. Application of the village of North Edmonton, Alberta, for an order directing the C.N.R. to construct a crossing at Kelly avenue across the tracks of the said company. File 19618.

Order made dismissing the application. See order No. 18240.

3590. In the matter of the crossing of the G.T.P. Ry. over Fort Saskatchewan Trail, and the application of C. M. Keily, of Edmonton, Alberta, in relation to the diversion of the said Fort Saskatchewan Trail. (Re-consideration.) File 9023, Part 2.

Order made refusing the application.

3591. Application of the village of North Edmonton, Alberta, for an order directing the G.T.P. Ry. to construct a switch or switches for the purpose of loading and unloading freight consigned from and to the village of North Edmonton, Alberta. File 20121.

No action deemed necessary as the company had directed the tracks to be put in.

3592. Application of the village of North Edmonton, Alberta, for an order directing the C.N.R. to construct a switch or switches for the purpose of loading and unloading freight consigned from and to the village of North Edmonton, Alberta. File 20122.

The railway company to investigate the matter and advise the Board and the applicants by the 24th August, 1912, what it is willing to do in the matter.

3593. Application of Adelard Mounier, for an order directing the C.N.R. to provide a crossing on the southeast quarter of section 16-56-24 W. 4 M. File 11739.5.

Order made by consent, work to be done by September 1, 1912.

3594. Complaint of C. M. Keily of Edmonton, Alberta, relative to G.T.P. Ry. cutting off lane (by G.T.P. Ry. right of way) which served lots 36, 37 and 38, Dwyer subdivision of the city of Edmonton which subdivision is a part of NE. $\frac{1}{4}$ section 15-53-24, W. 4 M. Alberta. File 2236.79.

Order made by consent of railway company to survey or convey to the city a lane 20 feet in width, in view of the lane which the company blocked by construction of its railway. Matter to be carried out by September 1, 1912.

3595. Application of E. J. C. Richardson, Erickson, B.C., for an order directing removal of loading platform at that point to a more convenient site. File 18404.

Board to ascertain from the British Columbia Government whether it will build road mentioned at hearing. If road is built, Board will not order removal of station.

3596. Complaint of Finch and Jones, Corbin, B.C., against the freight rates of the Eastern British Columbia Railway Company. File 16320.

Struck off the list. Not to be set down, except upon the special request of the applicants' solicitors.

3597. Application of town of Forward, Sask., for order directing the C.P.R. to furnish a station telegraph service, etc., at that point.

Application refused.

3598. Application of the Grenfell Milling and Elevator Company, of Grenfell, Sask., for joint rates on grain products, in earloads, from Grenfell to Glenavon and Kipling, Sask., lower than the combination of local rates of the C.P.R. and C.N.R. Companies. NOTE: Consideration will be given an offer of the C.P.R. Co. to publish joint rates, via Regina, of 18 $\frac{1}{2}$ cents and 19 cents respectively, and the companies will be required to show cause why joint rates should not be based on the shortage mileage (in this case via Kaiser), whether means of interchange be, or be not, provided therefor. File 18755.3.

Order made that the C.P.R. and C.N.R. prepare and file a tariff of through rates on grain products in earloads at a minimum weight of 30,000 pounds per car from Grenfell, Sask., via Regina at 18 $\frac{1}{2}$ cents per hundred pounds by Kipling, Sask. Tariff to be made effective not later than 16th September, 1912.

3599. Application of the Department of Public Works for the province of Sask., for approval of highway crossing over the C.P.R. in the SE. $\frac{1}{4}$ of section 34-18-33, W. P. M. File 19348.

Order made by consent upon applicant filing with Board information mentioned.

3600. Application of the Mountain Lumber Mfrs. Association for an order requiring the Canadian Pacific Railway Company to publish and file a special tariff, or special tariffs of rates on lumber (fir, common cedar, etc.), from what are known as the "Mountain" mills on the line of the C.P.R. Co., to that company's points, and jointly with the Canadian Northern and Grand Trunk Pacific Railway Companies to their points, in Alberta, Saskatchewan and Manitoba north of the C.P.R. main line, that shall not exceed, for the same or less distance, the rates from the same shipping points to Winnipeg and Prince Albert. File 16177.

Order made requiring the C.P.R., C.N.R. and G.T.R. Companies to adjust the special joint tariffs published and filed so that without increasing the rates shown therein the rates on lumber and other commodities carried at the lumber rates from shipping points west of and including Blairmore, Alta., and Laggan, Alta., to Winnipeg, shall not be exceeded for similar or less distances from the same shipping points in the provinces of Alberta, Saskatchewan and Manitoba. See order 18771.

3601. Complaint of the Riverside Lumber Company, Calgary, Alta., against the cancellation of C.P.R. tariff 1983, E. and N. Railway 1632, and requesting that it be

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re-issued, giving the complainants the usual track scale allowance to which they feel they are justly entitled in the Mountain country on account of the heavy snow falls in that district. File 19446.

Struck off the list.

3602. Application, city of Calgary, Alta., for leave to construct subway at 4th street west, under tracks of C.P.R. (Adj'd. hearing.) File 15556.

Order made subject to terms of agreement to be filed. Detailed plans to be submitted to Board and C.P.R. Cost of work to be borne by the city.

3603. Application of the Lethbridge Board of Trade, Lethbridge, Alta., regarding express rates on the Alberta Railway and Irrigation Company's lines. File 4214.273.

Judgment reserved. Referred to Board's chief traffic officer to report on.

3604. Application of the C.P.R. under sections 159 and 237 for approval of revised location of Crowsnest branch between Seven Persons and Brassy Lake, mileage 15 to mileage 53.1, Lethbridge subdivision of said branch; also for authority to construct line across highways between the above mentioned mileages. File 6902.5.

Order made in accordance with oral judgment of the Assistant Chief Commissioner.

3605. Application of Alex. McCullough, of Calgary, Alta., for construction of a spur from G.T.P. line at Three Hills, Alta., for the purpose of loading coal.

Applicant to apply to the railway company to construct a spur. If company does not do so, the applicant may then apply to the Board.

3606. Complaint, Fruitvale Trading Company, Fruitvale, B.C., alleging unsatisfactory location of Great Northern Highway Crossing at that point. File 18991.

Order made authorizing the C.N.R. Co. to construct a highway across its railway at a point 200 feet south of the present crossing, also directing the railway company to keep the station at this point clean and heated during the winter season and refusing the company's application to remove the station. See order No. 17287.

3607. Complaint, Fruitvale Trading Company, Fruitvale, B.C., *re* unsatisfactory location of Great Northern Railway station at that point. File 18990.

Application refused for the reasons set out in oral judgment delivered at the close of the hearing.

3608. Complaint of the residents of Fruitvale, B.C., against condition of fences, station accommodation for handling of freight and express and request for the appointment of a station agent. File 8868.

Not necessary to fence at present. As to station accommodation, company undertook to have the station clean and lighted in winter. No order necessary.

3609. Complaint of the Mission District Board of Trade alleging that the level crossing over the tracks of the C.P.R. at Mission City, B.C., known as Horne avenue crossing, is inadequate, also is blocked by cars for thirty minutes and upwards at a time. File 15725.

No action taken by the Board.

3610. Application of the Board of Trade of Salmon Arm, B.C., under sections 252-3, for an order directing the C.P.R. to provide and construct a suitable station at Salmon Arm on the city side of the track, instead of as to present on the opposite or lake side of the track. File 19616.

Order made that the time for the completion of the station ordered to be constructed by order No. 17306 be extended for five months from the 28th November, 1912. See order No. 18252.

3611. Application, Chas. Henry Ziegler, *et al*, under sections 258 and 284 for an order directing the G.T.P. to provide station and freight accommodation at Haysport, B.C. File 19995.

Order made that the G.T.P. Ry. Co. stop its trains for mail and passenger service at Haysport, B.C., until the opening of navigation. See order No. 18952.

3612. Petition. Department of Public Works of the province of British Columbia, that owners of small vessels plying on the Fraser river be compelled to hinge masts and smokestacks to enable them to pass under bridge at New Westminster, B.C. File 17266. (Re-hearing.)

Order made that the regulations governing the opening and closing of the pivotal span of the said railway bridge over the Fraser river, filed by the applicant and consented to by the parties interested, be approved. See order 18626. Regulations to become effective May 31, 1913. Order of the Board No. 18490, dated January 14, 1913, rescinded.

3613. Application, British Columbia Electric Ry. Co., under section 227, for an order sanctioning the crossing with its tracks of the tracks of the C.P.R. at 12th street between Aucland street and Royal avenue, New Westminster, B.C. File 13875.

Order made granting leave to the applicant company to cross the tracks of the C.P.R. Co. as applied for, subject to conditions set forth in order. See order No. 17404.

3614. Complaint of John A. Lee, mayor, and F. J. Hart & Co., Ltd., of New Westminster, B.C., relative to refusal of the G.N.R. to stop their train leaving Vancouver at 4 p.m. at Crescent, B.C. 19737.

V. V. & E. Ry. undertook to look into matter relative to selling of tickets and checking of baggage and to advise Board what company will do. Order to go requiring railway company to furnish adequate train service within two weeks from July 27, 1912, until October 1, 1912; this order to be of a temporary character.

3615. Application of the Western Paper Mills, Ltd., of Vancouver, B.C., alleging failure of the Great Northern Railway Company to refund money expended in the construction of their siding in the municipality of Coquitlam, B.C. File 19195.

Order made directing the G.N.R. Co. to extend the said siding 100 feet. Work to be completed by December 29, 1912. See order No. 18255.

3616. Application of Brantford and Taylor, Vancouver, B.C., for an order directing the G.N.R. to construct a spur to their saw-mill in district lot 10, Burnaby, B.C. File 19790.

Order made granting the application.

3617. Consideration of the matter of protection of the V. V. & E. Ry. crossing at Front street, Vancouver, B.C. File 9437.865.

No action necessary.

3618. Application, C.P.R. for authority to construct second track across Chestnut street, Cypress street, Walnut street, Maple street, Laburnum street, Arbutus street, and Yew street, Vancouver, B.C. File 4472.8.

Order made granting the application. Separation of grades may be taken up later.

3619. Application of the Vancouver and Lulu Island Railway Company for authority to construct second track across First avenue, Fir street, Second avenue, Third avenue, Fourth avenue, Fifth avenue, Pine street, Cedar street, Cypress street, Maple street, Sixth avenue, Seventh avenue, Eighth avenue, Broadway, Tenth avenue, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth and Sixteenth avenues, Vancouver, B.C., File 4472.7.

Order made granting the application. Separation may be taken up later.

3620. Application of the Burrard Inlet Tunnel and Bridge Co., for an order approving of revised location plans from Station 0x00 to Station 174x88.7. File 15732.1.

Order made approving of revised location of the applicant company's line from Station 0 to Station 174x88.7. See order No. 17565.

3621. Application, city of North Vancouver, B.C., *re* subway between Ferry to Alexander street. File 9437.343.

Order made directing the C.P.R. Co. to install gates at the North Vancouver Ferry, Columbia avenue, and the G.T.P. Ry. Co.'s team crossings, work to be completed

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within two months after the approval of the plan by the Board's engineer; cost of protection to be apportioned as follows: The G.T.P. Ry. Co. to pay the cost of installing, operation and maintaining the gates at the crossing of the C.P.R. in Vancouver from lot 39, block 1, group 1, Vancouver district, to its dock in the said city, cost of installing the gates and maintaining the same at the North Vancouver Ferry Crossing and Columbia avenue, to be borne equally between the city of Vancouver and the C.P.R. Co. See order 18512.

3622. Consideration of the question of protection of the British Columbia Electric Railway Co.'s drawbridge across False creek, Vancouver, B.C. File 18472-1.

No action deemed necessary by the Board. See report of Board's operating officer, dated October 26, 1912.

3623. Application of the C.P.R. for leave to terminate the siding agreement made the 1st day of November, 1911, between the said company and the Vancouver Ice and Cold Storage Co., Ltd., of Vancouver, B.C. File 20130.

Judgment reserved.

3624. Application of the C.P.R. for leave to terminate the siding agreement made the 3rd day of March, 1909, between the said company and the Vancouver Wharf Company, Vancouver, B.C. File 20139.

No action necessary.

3625. Application of the Burrard Inlet Tunnel and Bridge Co. for approval of location of their line of railway from a point on Railway avenue on the north side of Second Narrows, Burrard Inlet, Station O, thence through the city of North Vancouver, thence by tunnel under the First Narrows, Burrard inlet, to a point on Georgia street in the city of Vancouver, Station 345x43.4. File 15732.2.

Order made approving of revised location of the site of the applicant company's bridge as set forth in the application and subject to the conditions set forth in the said order. Order No. 17565 rescinded. See order No. 18053.

3626. Application of the Burrard Inlet Tunnel and Bridge Co., for approval of location of their line of railway from a point on Railway avenue on the north side of the second Narrows, Burrard Inlet, thence in an easterly direction and northerly direction to a point on Deep Cove, Station 4 x 56.3 to Station 324 x 32. File 15732-3.

Order made granting the application.

3627. Application of the city of Vancouver, B.C., for an order allowing and directing the construction of highways on Hastings street, Pender street, Keefer street and Harris street, by way of overhead bridges or viaducts over the railway of the V.V. and E. Ry. and N. Co. at its intersection of said streets and for the costs of such construction and maintenance of same. File 20062.

Order made authorizing the city of Vancouver to carry the streets named in their application across the railway company's tracks by means of overhead bridges, 20 per cent of the cost of crossing Pender and Keefer streets to be paid out of The Railway Grade Crossing Fund (not exceeding the sum of \$5,000), 25 per cent of the balance to be paid by the applicant, and 75 per cent by the railway company; 20 per cent of the cost of constructing Harris street bridge (not exceeding \$5,000), to be paid out of The Railway Grade Crossing Fund, 20 per cent of the balance to be paid by the applicant, 20 per cent by the British Columbia Electric Co., and 60 per cent by the railway company; 20 per cent of the cost of constructing the Hastings street bridge to be paid by the applicant, 20 per cent by the British Columbia Electric Co., and 60 per cent by the railway company; the cost of maintaining the bridges to be borne, 50 per cent by the applicant and 50 per cent by the railway company. See order No. 17840.

3628. Application of the city of Vancouver, B.C., for an order allowing and approving of the crossing of the tracks of the C.P.R. with its intersection of Clark Drive, in the city of Vancouver, B.C. File 20064.

Order made granting the application.

3630 follows 3628.

3630. Application, Fullerton Lumber and Shingle Company, Vancouver, B.C., for an order directing the Great Northern Railway Co. to refund amount alleged to be overcharged by the railway companies on a carload of lumber from Tynehead, B.C., to Winnipeg, Man. File 17076.

Order made refusing the application.

3631. Complaint of the British Columbia Sugar Refining Co., of Vancouver, B.C., alleging discrimination shown by Canadian railways in rates on sugar in favour of eastern refineries to points in the western provinces. File 19700.

See judgment of Commissioner McLean, Appendix B, dated February 21, 1913. Board decided that the matter must stand to be dealt with as an integral part of the general investigation into Western Freight rates.

3632. Application of the British Columbia Sugar Refining Co. for an order directing the railway companies to carry out the Board's order No. 4886, dated June 16, 1908, and to reasonably scale rates from Vancouver to intermediate points in Manitoba, Saskatchewan and Alberta, and also to reasonably scale the other branch line points satisfactorily to the Board. File 6579, Case 2783.

Judgment reserved.

3633. Consideration of the matter of protection at the crossing of the V. W. & Y. Ry. at Westminster avenue, Vancouver, B.C. File 372.

V. W. & Y. Ry. having stated that watchman is now stationed at point in question Board decided that matter need not be put on the list again for hearing unless the city of Vancouver makes an application therefor.

3634. Application of M. F. Shock, Hatzic, B.C., for an order directing the C.P.R. to provide a farm crossing where the railway affects his property. File 9849.

Judgment reserved.

3635. Complaint of municipality of Surrey relative to certain crossings on the C.N.R. at Hill street, Port Kells, one on the Pacific highway south of the Campbell River road, and three on the Pacific highway over the tracks of the V. T. R. & F. Company, south of Cloverdale. File 20186.

Order made granting the application. The railway company to bear the expense of constructing and maintaining the crossing, and the municipality authorized to construct and maintain, at its own expense, a crossing at Hill street, Port Kells, the work to be completed by the 23rd of September.

3636. Application, corporation of the district of Coquitlam, for a level crossing on the line of the C.P.R. at a point immediately west of the present bridge of the railway across the Coquitlam river, to connect the Dewdney Trunk road with roads on the north side of the railway at Westminster Junction. File 20351.

No order made.

3637. Application of the Ashcroft and District Board of Trade, of Ashcroft, B.C., relative to the freight rates, on potatoes from Ashcroft, B.C., and Vancouver, B.C., on the C.P.R. File 20165.

No action taken, the C.P.R. Co. having reduced its rate on potatoes in carloads from Ashcroft to Vancouver from 20 cents to 13 cents per 100 pounds as from the 10th of September, 1912.

3638. Request from the Ashcroft and District Board of Trade, Ashcroft, B.C., for hearing relative to new freight accommodation at local station at Ashcroft, B.C. File 20166, C.P.R.

Upon the undertaking of the railway company to have the cars cut so as to permit of access to the station, stands until the next sitting of the Board at Vancouver, B.C.

3639. Application, Ross and Shaw, Vancouver, B.C., *re* order of the Board giving G. N. Ry. permission to obtain possession by arbitration of the foreshore

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opposite lots 8, 9, 10, 11, and 13, block 96, D.L. 181, fronting on False creek. File 572.30.

Application dismissed.

3640. Application, Cowichan Ratepayers' Association, Cowichan, B.C., for an order directing the Esquimalt and Nanaimo Railway Co., to provide an agent at Cowichan station. File 10087.

Order made that the railway company appoint and continue a permanent agent at Cowichan, B.C. See order 17848.

3641. Application, district of North Cowichan, etc. See file 20209.

Order made granting the application.

3642. Application of the C.N.O.R. under section 159 for approval of location through the town of North Bay, mile 242.56 to 346.42 from Montreal. (North Bay to Capreol Junction line.) File 18402.8.

No order made.

3643. Application of the C.P.R. and C.N.R. to vary order requiring level approaches to Yonge street and Avenue Road subways, Toronto. File 9437.153.

Order made granting application. See order 16846.

3644. Application of the C.P.R. for an order setting aside the approval of the Union Station plan, Toronto. File 588.26.

Order made amending order 17034, by stating that the approval granted shall not be taken as authorizing the G.T.R. Co. to take the lands of the C.P.R. Co. See order 17371.

3645. Application, K. and P. Ry. for authority to construct a siding into premises of North American Smelting Co., Kingston, Ont. File 20260.

Order made granting application subject to speed limitation of six miles.

3646. Application of the C.N.O.R. for authority to take a portion of lot 15, concession 4, township of Nepean, county of Carleton, for the purpose of carrying out the necessary diversion as approved by order of the Board No. 13701, dated May 20, 1911. File 3878.524.

Order made granting the application of the applicant company. See order 17738.

3647. Application of the C.N.O. Ry. under section 258, for approval of the location of its station grounds at Beachburg, township of Westmeath, Ont. File 20143.

Order made approving of the location of the applicant company's station on the north side of the track on lot 8, east of Little street, Beachburg, Ont. See order 18468.

3648. Application of the C.N.R. under section 159, for sanction and approval of the location of its line of railway through the counties of Jacques Cartier and Hochelaga, and part of the city of Montreal, mile 43.56 to mile 55.23 from Hawkesbury. File 2342.88.

Order made granting the application. See order 17605.

No. 3650 follows 3648.

3650. Application of the C. L. O. and W. Ry. Co., under section 227, for an order to construct its line of railway over the tracks of the Toronto Eastern Ry. Co., by means of an overhead bridge at mile 162.98 (mile zero being at Glen Tay) in the town of Whitby, Ont. File 3701.63.

Order made authorizing the applicant company to cross the tracks of the Toronto Eastern railway subject to the conditions set forth in the order. See order 17914.

3651. Application of the N. St. C. and T. Ry. Co., under section 227, for authority to cross with its lines and tracks, the lines and tracks of the G. T. R. on Welland avenue, in the city of St. Catharines, Ont. File 3498.1.

Order made granting the application. Crossing to be protected by derails. Cost of protecting the crossing to be paid by the applicant company. See order 17801.

3652. Application of the G. T. R. under section 178, for an order authorizing them to take certain lands in the city of Toronto for railway purposes, said lands being in the vicinity of Carlow avenue, and belonging to the said city of Toronto, the O'Keefe Brewing Co. File 20151.

Application withdrawn.

3653. Application of the G. T. P. Ry. under section 222, for authority to construct wye tracks at mile 29 west of Yellowhead pass, Cariboo district, B.C. (Adjourned hearing). File 3452-32.

Application dismissed without prejudice to its renewal.

3654. Application G. T. P. Branch Lines Co., in accordance with provisions of order No. 16775 for an order:—

1. Appointing an arbitrator to determine the compensation to be paid the C.P.R. for all that certain tract or piece of land consisting of some 6.4 acres belonging to the C.P.R. in section 1, township 24, range 1, west of 5th meridian, required for the right of way of the G.T.P. Branch Lines Company's Tofield-Calgary branch, as shown on plan on file with the Board under File No. 10821.77.

2. Requiring that the said arbitrator shall determine valuation of right of way as above, as of September 9, 1911, the date upon which location plan affecting the said described land, as approved by order of the Board No. 15195 and certified copy of which plan was deposited in the Land Titles Office for the South Alberta Land Registration District, November 9, 1911, as Instrument Railway 384. File 10821.77.

Matter settled, the parties having arranged as to arbitrator.

3655. Application of Charles Henry Ziegler, *et al* under sections 258 and 284, for an order directing the G.T.P. Ry. to provide a station and freight accommodation at Haysport, B.C. NOTE.—G.T.P. Ry. is required to show cause why an order should not be made for immediate compliance with the Board's order dated 20th August, 1912, or, in default that an adequate penalty be imposed. File 19995.

Order made directing the Grand Trunk Pacific Ry. Co., to stop its trains for mail and passenger service at Haysport, until the opening of navigation.

3656. Consideration of the matter of abolishing platform brakes on freight box cars on railways subject to the Board's jurisdiction. File 11654, Part 2.

Stands for submission of future material by Maloney to Nixon, then for future consideration.

3657. Opportunity will be afforded the Canadian Pacific, Canadian Northern, Grand Trunk Pacific, Great Northern (Canadian lines) and Vancouver, Fraser Valley and Southern Railway Companies to show cause why an order should not issue prohibiting any increases in the freight rates of the companies between points west of and including Port Arthur, and between points east of Port Arthur and points west thereof, pending judgment in the general inquiry into the Western Freight Rates. File 18755.5.

No order made.

3658. Canadian Northern International Pulpwood Tariff. File 18879.

Order made that the said tariff of the respondent railway company increase rates on shipments of pulpwood be suspended until February 4, 1913. NOTE.—Subsequently the application was refused subject to the condition that the rates on the C.P.R. stations west of Avonmore to and including Smiths Falls in effect on February 27, 1913, be restored. The said tariffs of the respondent railway companies increasing the rate on shipments of pulpwood in carloads allowed provided such increases should not become effective before August 15, 1913. See order 18787.

3659. Application of residents of township of York, Ont., to have the Bell Telephone Co. extend their lines past farms running from lot 16 to lot 21 in the 5th concession of the township of York in order to give a telephone service connecting with the Western Central Station. File 3574.63.

Matter settled. No order necessary.

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3660. Application of the city of Hamilton, Ont., for an order directing the G.T.R. to establish and maintain gates with watchman at Ottawa street, Hamilton, Ont. File 4552, Case 1223.

Order made that an electric bell be installed as additional protection at the said crossing, the railway company to maintain a watchman at the crossing between 7 a.m. and 7 p.m., city of Hamilton to pay the G.T.R. Co. one-half the cost of watchman's wages. See order 17697.

3661. Consideration of the question of protection at the crossing of the G.T.R. over Trolley street, Hamilton, Ont. File 9437.844.

Order made relieving the Railway Co. from providing further protection at the crossing in question. See Order 17756.

3662. Application of the city of Hamilton, Ont., for approval of plans showing proposed extension of Birmingham street. across the northerly spur of the T.H. and B. Ry. Co. File 20395.1.

Order made granting leave to the city of Hamilton to extend Birmingham street, at its own expense, across the railway company's tracks. See order 17731.

3663. Application of the city of Hamilton, Ont., for approval of plans showing proposed extension of Birmingham street across the Northern and North Western Division of the G.T.R. to the T.H. and B. Ry. File 20395.

Order made granting the application. See order 17732.

3664. Application of the G.T.R. under section 237, for authority to construct six additional team tracks across Robert street and a public lane running from Elgin street to Ferguson avenue in the city of Hamilton, Ont. File 18591.1.

Order made granting the application subject to the conditions set forth in the order, and directing the applicant company to pay to the city of Hamilton the sum of \$50 per foot frontage on Elgin street for the portion of Robert street which will be lost. See order 17678.

3665. Petition of W. G. Hunter, of Hamilton, Ont., against the shunting day and night by the G.T.R. on Ferguson avenue, Hamilton, Ont. File 18292.

Matter dealt with by order No. 18906, in connection with the application of the G.T.R. Co. to take certain lands to enable it to carry out the provisions of the order of the Board No. 16671, dated June 1, 1912.

3666. Application of the C.N.O. Ry. under section 159, for approval of location of its railway through the city of Hamilton, mile 38.54 to 45.71, from Yonge street, Toronto, Ont.

Application withdrawn by the company.

3667. Application of the Municipal Councils of the townships of Townsend and Oakland, Ont., for an order directing the T.H. and B. Ry. to clean and keep open ditch made by them on private property across the town line between the townships of Townsend and Oakland and repair and maintain sluiceways in connection with same. File 20325.

Order made in accordance with consent minutes between the parties, filed with the Board.

3668. Consideration of the matter of protection by the C.P.R. and G.T.R. of King, Caroline and Queen streets, Lindsay, Ont. File 364.

No order made.

3669. Complaint of Joseph Meehan, Lindsay, Ont., relative to refusal of the Georgian Bay and Seaboard Ry. Co. to furnish him with under-driveway as requested lot 34, concession 6, township of Ops. (Adjourned hearing.) File 2100.105.

No order necessary, complaint settled.

3670. Complaint of the townships of Brighton and Murray respecting C.L.O. and Ry. (C.P.R.) crossing at grade on a skew of the Kingston. File 3701.32.

Order made directing C.P.R. to divert the Kingston road, as shown on the plan, cost of the work to be borne and paid 20 per cent out of The Railway Grade Crossing Fund (not exceeding \$5,000), \$500 by each of the municipalities of the

townships of Brighton and Murray and the remaining sum of \$19,000, more or less, to be paid by the G.T.R. and C.P.R. in the ratio of 7 to 12, 7¹⁰ to the former and 12¹⁰ to the latter company. See order 18447.

3671. Application of the C.L.O. and W. Ry. Co. under section 237, for authority to construct its line of railway across the highways from mile 37.91 to 39.60, township of Darlington, Ont., being from the junction of the said railway with the Ontario and Quebec Ry. line to Toronto. File 3701.86.

Order made granting the application. See order 18755.

3672. Application of the W.A. and A.R. and T. Pascoe, relative to refusal of the C.P.R. to build cattle pass on their property on the C.L.O. and W. Ry. near Whitby, Ont. File 3701.5.

No order made.

3673. Complaint of the township of Louth, Ont., respecting G.T.R. crossing east of Vineland station, Ont. File 18655.

Order made granting the application, the applicant at its own expense, to do the earth work on the approaches, and, if required, to build a drain under the highway. The railway company at its own expense to do the necessary planking and to provide and construct return fences and gate guards. Work to be completed October 31, 1912. See order 17704.

3674. Application of the Niagara, St. Catharines and Toronto Ry. Co. under section 159, for sanction and approval of the location of its line of railway through the townships of Louth and Clinton, county of Lincoln, mile 0 to mile 10.59. File 3498.4.

Order made granting the application.

No. 3676 follows 3674.

3676. Petition of D. E. Galbraith and other residents of Bowmanville, Ont., for an order directing the C.P.R. to construct a subway on their line between the Fielding and Galbraith farms, known as Liberty street, north of Mauvers road, Bowmanville, Ont.

No action taken.

3677. Complaint of the township of Murray, Ont., respecting dangerous crossing at subway leading from Murray and Frankford, a short way east of the G.T.R. depot. File 9437.863.

Order made directing the G.T.R. Co. to protect all shunting movements over the switch between its railways and that of the Central Ontario Ry. by sending a man ahead to warn persons. See order 17669.

3678. Application of the town of Orillia, Ont., for an order directing such protection as may be deemed necessary at the intersection of Front street with G.T.Ry. File 9437.917.

Order made directing that the said crossing be protected by gates to be operated by day and night watchman, 20 per cent of the cost of installation to be paid out of The Railway Grade Crossing Fund, 50 per cent by the railway company, and 30 per cent by the applicant; 70 per cent of the cost of maintenance to be paid by the railway company and 30 per cent by the applicant. Gates to be installed by December 5, 1911. See order 17688.

3679. Application of the town of Orillia, Ont., for an order directing such protection as may be deemed necessary at the intersection of Tecumseh street, with the G.T.Ry. File 9437.918.

Order made that the crossing at Tecumseh street be protected by a watchman during the months of June, July, August and September between 10 a.m. and 10 p.m. wages to be paid, $\frac{1}{3}$ by the applicant, $\frac{1}{3}$ by the G.T.R. and $\frac{1}{3}$ by the C.P.R. See order 17659.

3680. Application of the city of St. Thomas, Ont., for an order permitting the St. Thomas street railway to cross the tracks of the Michigan Central Ry. Co., William street at rail level. File 19906.

Order made granting the application. See judgment of the Chief Commissioner dated January 6, 1913. Appendix 'B.'

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3681. Application of the G.T.R. under sections 222 and 237, for authority to construct, maintain, and operate a branch line of railway or siding commencing at a point of its railway east of Whitby station, and on lot 26, in the 1st range of the township of Whitby, Ont., thence extending in a southwesterly direction crossing Byron, Centre, Victoria and Anne streets, including the base line, to and into the premises of the proposed hospital for the Insane at Whitby, Ont. File 20093.

Order made granting the application to construct the said branch line. See order 17701.

3682. Complaint of J. A. Lennox, Thornton, Ont., alleging dangerous condition of crossing on the line of the G.T.R. north of Thornton, Ont. File 9437.851.

Order made that the G.T.R. Co. reduce the height of the cedar fence along the north east side of the highway, as well as the company's right of way fence, to 4 feet. Work to be completed by October 31, 1912. See order 17710.

3683. Consideration of the matter of protection at the crossing by the C.P.R. of Stone Road crossing, Galt, Ont. File 9437.620.

Order made that during shunting movements between the hours of 7 a.m. and 6 p.m. the crossing be protected by a watchman, operation and maintenance to be at the expense of C.P.R. See order 17654.

3684. Complaint of Thomas Cooper, Wallenstein, Ont., referring to condition of crossing on C.P.R. between counties of Wellington and Waterloo, at mile 27.07, one-quarter mile west of Wallenstein station. File 2225, Case 493.

Order made that the C.P.R. make the grade on the south side of the track one in twenty. Work to be completed by October 31, 1912. See order 17699.

3685. Application of the C.N.O. Ry. under section 178 for authority to take a portion of lot 34, concession 14, township of Burton, Ont., for the purpose of traffic on its railway in connection with the timber business, logs being floated down the Maganetawan river and stored upon the premises prior to be loaded on the cars of the railway, the land in question being the property of Mr. Charles E. Ireson. File 514.22.

No order to go until after disposition of high court action when the matter is to be referred to an engineer of the Board for report.

3686. Consideration of the matter of protection at the crossing of the G.T.R. (Hamilton and Niagara Falls division) just east of Jordon station, Ont. File 9437.857.

Order made that the G.T.R. install an electric bell by January 11, 1913, and maintain the same at its own expense, 20 per cent of the cost of installing to be paid out of The Railway Grade Crossing Fund. See order 17753.

3687. Application of the city of St. Catharines, Ont., under sections 26 and 237 for an order permitting them to carry and construct the highway known as Berryman avenue in the city of St. Catharines, across the tracks and right of way of the Welland division of the G.T.R. and Niagara, St. Catharines and Toronto Railway Co. File 20020.

Order made granting the application, the cost of the crossings at both railways to be equally divided between the applicant and the Niagara, St. Catharines and Toronto Ry. Co. See order 17647.

3688. Complaint of the township of Armour, Ont., respecting alleged dangerous condition of crossing of the G.T.R. north of the village of Burk's Falls, Ont., being the tenth and eleventh concessions, lot 7. File 9437.868.

Order made that the railway company cut down the trees at the southeast corner and reduce the clay bank on the northeast and northwest corners, obstructing the view at the said crossing, to a height of 4 feet; work to be completed by October 31, 1912. See order 17705.

3689. Consideration of the question of protection at the level crossing of the C.P.R. at Peterboro street, Norwood, Ont. File 9437.108.

Order made directing the railway company to install an electric bell by January 4, 1912, at the said crossing, at its own expense, 20 per cent of the cost of installation to be paid out of The Railway Grade Crossing Fund. See order 17655.

3690. Application of the C.N.O. Ry. for authority to remove speed restriction at the highway crossing just south of Brechin, Ont. File 9437.770.

Order made directing that the railway company be relieved from further protecting the said crossing. See order 17725.

3691. Application of the Toronto Eastern Ry. Co. under section 162, for a certificate correcting the location plan showing the location of the Toronto Eastern Ry. on lot 13, concession 2, township of Darlington, at the town of Bowmanville, Ont. File 15881.55.

Order made correcting error in the plan filed by the railway company, upon the condition that the company crossing the Mill-Pond by trestle work and do no filling in of the Mill-Pond. See order 17909.

3692. Application of the T.H. and B. Ry. Co. under section 227, for authority to replace the interlocking plant where the applicant company's easterly belt line of railway crosses that of the Hamilton, Grimsby and Beamsville Electric Ry. Co. on Maple avenue, Hamilton, Ont. File 20537.

Referred to the Board's chief engineer to deal with.

3693. Application of the C.N.O. Ry. Co., under section 176, for authority to take possession of, use and occupy, certain lands belonging to the Toronto, Hamilton and Buffalo Ry. Co. between Emerald street and Wentworth street, in the city of Hamilton, and for the re-arrangement of the tracks of the said T.H. and B. Ry. Co. File 12021.101.

Application withdrawn.

3694. Application of C.L.O. and W. Ry. under section 227, to cross G.T.R. main line, as now constructed, near Shannonville station, lot 3, concession 1, township of Tyendinnaga. File 3701.58.

Order made refusing the application, with leave to the applicant company to cross the tracks of the G.T.R. Co. by means of an overhead crossing, without lowering or depressing the tracks of the G.T.R. Co. See order 17696.

3695. Complaint from Mr. John Rowland of Walkerton, Ont., relative to condition of pens, on the G.T.R. which have no covering to protect live stock, thus causing loss to shippers and packers. File 20182.

Order made directing the railway company to provide a proper supply of water at the stock pens at Mildmay, Walkerton, Brussels, Waterloo, Chesley and Elora, on or before December 15, 1912, and shelter in the yards at the said points before July 15, 1913. See order 18113.

3696. Application of J. B. McLachlin, Toronto, Ont., for an order respecting damages accruing to property on Cunningham avenue, in connection with the Brock avenue subway, Toronto, Ont. File 9437.106.

No order made.

3697. Application of Toronto Suburban Ry. under section 227, for authority to cross the C.P.R. at a point on lot 19, concession 8, township of Esqueness, Ont. File 20471.

Order made granting leave to the applicant company to cross the tracks of the G.T.R. Co. by means of an undercrossing at the point in question; the applicant company to make provision for additional tracks at the said crossing, work to be done at the expense of the applicant company. See order 17723.

3698. Application of Toronto Suburban Ry. under section 227, for authority to cross the C.P.R. at Mimico river, township of Etobicoke, Ont. File 20472.

Order made authorizing the applicant company to cross the line of the C.P.R. by means of an under-crossing subject to the conditions set forth in the order. See order 17633.

3699. Application of C.N.O.R. for authority to divert and cross Church street between lot 10, concession B and lot 1, concession C, township of Etobicoke. File 12021.37.

Application withdrawn, all parties consenting.

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3700. Application of C.N.C.R. for authority to cross Dundas street between lots 9 and 10, concession B, township of Etobicoke.

Application withdrawn, all parties consenting.

3701. Application of the G.T.R. under section 258 for approval of the location and detail plans of its proposed new station at Sunnyside, Toronto, Ont. File 20539.

Order made approving the location and plans of the applicant company's station at Sunnyside, Toronto, upon certain conditions set forth in the order. See order 17709.

3702. Application of the corporation of the city of Toronto, Ont., under sections 237 and 238, for an order directing the G.T.R. to provide protection by the installation of an electric bell where its railway crosses Woodbine avenue in the city of Toronto, Ont. File 9437.102.

Order made directing the G.T.R. to install an electric bell by January 8, 1913, at the said crossing and maintain the same at its own expense, 20 per cent of the cost of installation to be paid out of The Railway Grade Crossing Fund. See order 17961.

3703. Application of the city of Toronto, Ont., under section 29, for an order varying and rescinding the provisions of order No. 16846, dated the 25th day of June, 1912, whereby the track elevation of the proposed joint section of the C.P.R. and C.N.O.R. from Summerhill to Dovercourt Road, dated May 15, 1912, was approved. File 12021.70.

Order made directing that order of the Board No. 16846, dated the 20th June, 1912, be varied as therein set forth. See order No. 18012.

3704. Application of the corporation of the city of Toronto, Ont., under sections 20 and 274, for an order regulating the use of steam whistles and the ringing of bells on engines within the limits of the city of Toronto, on the lines of the C.P.R., G.T.R. and C.N.O.R. File 8342.4.

No order made as the matter is already dealt with by the general trains and operating rules of the Board.

3705. Application of the corporation of the city of Toronto, Ont., under section 317, for an order requiring the G.T.R., C.P.R. and C.N.O.R. to furnish proper facilities for forwarding and delivering coal consigned to the city of Toronto and vicinity. File 20497.

No order made.

3706. Application of the city of Toronto, Ont., for an order fixing the time within which the G.T.R. and C.P.R. shall have prepared and filed detailed plans for the new Union station referred to in order No. 17034, and also fixing the time for the calling of tenders for the construction of said station and for an order for payment of penalties as provided in the said order No. 17034, and for an order fixing a penalty of \$1,000 per day for future delays. File 588, Case 2828.

Judgment reserved.

3707. Application of the C.N.O.R. under section 159 for approval of location from the south limit of concession road between concessions 5 and 6, township of south Orillia to mileage 22.04 in the township of North Orillia, Ont.

Order made granting the application. See order 18585.

3708. Application of the Toronto Suburban Ry. under section 227, for authority to cross the C.P.R. on lot 12, concession 3, township of Toronto. File 20473.

Order made granting the application by means of an under-crossing. See order No. 17703.

3709. Application to the Board of Trade, Orillia, Ont., for an order directing the G.T.R., C.P.R. and C.N.R. to provide an inter-switching service at Orillia, Ont. File No. 6713.19.

Order made providing for interchange tracks between the Grand Trunk and Canadian Pacific Railway Companies for inter-switching traffic between their respective railways. See order 18454.

3710. Application of the town of Orillia, Ont., and manufacturing interests of the town, for an order directing the Michigan Central Railroad Co. and the Grand Trunk Railway Co. of Canada to provide inter-switching facilities between their respective railways at Petrolia, Ont. NOTE.—Board will take up the matter of dispute between the G.T.R. and Petrolia Wagon Co. as to conditions upon which the latter company's land is to be used. File 6714.18.

Order made varying order No. 15664, dated December 16, 1911, to provide for the construction of the said interchange track between the said railway companies within fifteen days after the conveyance to them either by the town or the said William English of the land necessary for the purpose. See order 17694.

3711. Application of the Power City Stone Co., of Niagara Falls, Ont., for the continuance of the route via G.T.R. to Toronto in connection with their crushed stone shipments from St. Davids, Ont., the said route having been closed as from October 15, proximo, by supplement No. 10 to The Michigan Central R.R. Co. Joint Commodity. File 20549.

Order made that supplement No. 10 to the Michigan Central R.R. location and joint commodity tariff on sand, gravel and stone, see C.R.C. No. 1743, be disallowed, and requiring the Michigan Central R.R. and G.T.R. companies to continue the joint special commodity rate of 60 cents per ton of 2,000 pounds on crushed stone in carloads of the minimum weight of 30 net tons from St. Davids to Toronto via Niagara Falls, Ont., the said rate to be apportioned 20 cents to the Michigan Central R.R. Company and 40 cents to the G.T.R. See order 18449.

3712. Tariff C.R.C. No. 1743, and the operation of the said supplement having been suspended, pending hearing, by the order of the Board dated the 16th day of September, 1912. File 20549.

Order made requiring the railway company to re-establish the old rate of 60 cents; chief traffic officer to report as to the division of the rate between the railway companies.

3713. Application of J. F. I. Streight, of Islington, Ont., for the Toronto rate on coal from the Niagara Frontier to Islington via Campa and the Mimico cut-off. File 19747.

No order deemed necessary.

3714. Application of the Clifton Sand, Gravel and Construction Co. for an order reducing, adjusting and fixing the rates on sand, gravel and concrete material between Stamford, Ont., and surrounding points in the province of Ontario, including Niagara Falls, Chippewa, Port Colborne, Thorold, Merriton, St. Catharines, Hamilton, Toronto and intermediate points. File 18265.

Judgment reserved.

3715. Application of White & Co., Ltd., Toronto, Ont., for an order directing the railway companies to furnish heated refrigerator service. File 18855.1.

Order made that the railway companies operating in Eastern Canada upon reasonable notice from the shipper or shippers, furnish heated refrigerator cars for the carriage during cold weather of perishable articles, subject to certain provisions that the carrier will not be required to carry out, as set forth in the order. See General Order No. 98.

3716. The Canadian Pacific and Grand Trunk Railway Companies will be required to speak to their reported objection to endorsing their bills of lading for perishable freight in carloads, "To be loaded in refrigerators at Fort William or Port Arthur," in consequence of which shipments of perishables on through bills of lading from Eastern Canada, transhipped into ordinary box cars at Fort William and Port Arthur, have deteriorated in transit between the said ports and their western destinations. File 18,855.

See General Order No. 98 in connection with application of Messrs. White & Co., Ltd., of Toronto. See also General Order of the Board No. 101 in this connection.

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3717. Consideration of the matter of protection at the crossing of the C. P. R. at Main street, Chesterville, Ont. File 9,437-914.

No order made.

3718. Application of C. N. O. Ry. under section 167, for sanction and approval of the revised location of its line of railway through the townships of Nelson and East Flamboro, counties of Halton and Wentworth, mile 31.54 to mile 37.50 from Toronto, Ont. File 12,021-110.

Order to issue as agreed upon between the C. N. O. R. and G. T. R. companies.

3719. Application of C. N. O. R. under section 237, for authority to construct its line of railway across the public road between lots 8 and 9, range 2, station 2,450,38, township of Bristol, P.Q. File 3,561-82.

Application refused.

3720. Consideration of the question of directing the Cumberland Ry. and Coal Co. to equip, within 12 months, its cars with automatic couplers and air brakes in compliance with the provisions of sections 264 and 386 of Railway Act. File 3,094.

Order made that the Cumberland Railway and Coal Co. equip its cars with automatic couplers and airbrakes in compliance with the Railway Act, by October 25, 1913, with leave to the company to apply for an extension of time if it is found impossible to comply with the requirements of the order. Order 17870.

3721. Complaint of the International Paper Co., *et al*, against proposed increase in rates on pulpwood from the provinces of Quebec, New Brunswick and Ontario, to points in the eastern United States. File 18,879.

Application refused subject to the condition that the rates from the C. P. R. stations west of Avonmore to and including Smiths Falls in effect at the date of this order be restored; the said tariffs of the respondent railway companies increasing the rates on shipments of pulpwood in carloads are hereby allowed provided that such increases shall not become effective before August 15, 1913.

3722. The G. T. R., C. P. R., O. and N. Y. and Canadian Northern eastern lines will be asked to speak to the new tariffs of the companies increasing from November 11 the tolls to be charged for cartage at the so-called cartage points in Eastern Canada. File 18,663.

No order made.

3723. Application of the St. John and Quebec Ry. Co. under sections 227 and 229 for an order directing the C. P. R. to allow the said St. J. and Q. Ry. to connect its tracks with those of the C. P. R. in the city of Fredericton, N.B., at a point between Westmorland and York streets, to permit the operation of their trains, etc., between the said points; to rearrange spur track used by the C. P. R. between said points and to remove portion of spur connecting the Victoria mills in the city of Fredericton, N.B. and the C. P. R. File 19,077-1.

Order made refusing the application. See order 18,486.

3724. Application of the St. John and Quebec Ry. Co., under sections 227 and 229, for authority to erect, maintain and operate crossing over the C. P. R. at a point between the 49th and 50th miles, north of McAdam Junction, on the northern section of the Atlantic division of said railway and to allow the St. John and Quebec Ry. to connect its tracks temporarily with those of the C. P. R., near stations 2606 and 2593.

Order made authorizing the crossing by means of an overhead bridge. See order 17913.

3725. Complaint of Geo. H. Jones, of Huntington, P.Q., relative to G. T. R. and N. Y. C. and H. R. R. (St. Lawrence and Adirondack division) blocking his farm crossing. File 19009.

No order made. The G.T.R. Company undertaking to renew any of the fences or gates early in the spring of 1913.

3726. Complaint of George Shearer, Huntington, P.Q., relative to G.T.R. and N.Y.C. and H.R.R. blocking his farm crossing. File 20494.

Order made directing the G.T.R. Co. to construct a crossing for the joint use of Messrs. Geo. Shearer and Chas. Shirriff on the dividing line between their farms, the cost of the two extra gates to be divided equally between Messrs. Shearer and Shirriff, the remainder of the expense to be borne by the railway company, who are to maintain the crossing and gates. Work to be completed by May 1, 1913. See order 18767.

3727. Complaint of Chas. Shirriff, of Huntington, P.Q., relative to G.T.R. and N.Y.C. and H.R.R. blocking his farm crossing. File 19529.

Order made directing the G.T.R. Co., to construct a crossing for the joint use of Messrs. Geo. Shearer and Chas. Shirriff between the dividing line of their farms; work to be completed by May 1, 1913. Order No. 18600 rescinded. See order 18767.

3728. Application of P. Larose, Larose Station, Weir, P.Q., for better station accommodation and train service at Larose Station on the line of the C.N.Q. Ry. File 19979.

Order made directing the railway company to provide a flag station at Larose Station for passenger purposes only. See order 17922.

3729. Consideration of the question of the location of the C.P.R. flag station at Long Swamp, P.Q. File 17941.

No change made. Station to remain in its present place.

3730. Application of J. A. C. Ethier, M.P., *et al.* of Ste. Scholastique, P.Q., for an order compelling the C.P.R. to erect platform for milk shipping purposes between St. Hermas and Ste. Scholastique, at a point known as Cote St. Louis, P.Q. File 18147.

Order made refusing the application. See order 17874.

3731. Application of W. Harris Dawson and residents of vicinity of Stonefield, P.Q., for an order directing the C.P.R. to stop its trains at the road between Staynerville and Grenville stations to pick up cream shipments for Montreal. File 19679.

Application dismissed.

3732. Complaint of the town of Richmond, P.Q., that the G.N.W. Telegraph Co. are removing their telegraph offices from that town. File 10041.38.

Stands. Company to arrange the matter by the 5th November. If not arranged, complainants to advise the Board.

3733. Complaint of the Municipal Council of the town of Greenfield Park, P.Q., relative to alleged dangerous crossings in the parish of Longueuil, by the G.T.R., over Lapiniere road between the towns of Greenfield Park and St. Lambert, P.Q. File 9437.920.

Company to install gates. Question of distribution of costs reserved. Detail plans to be filed for approval.

3734. Application of the town of Pointe Aux Trembles, P.Q., for authority to open up Sixth Avenue across the tracks of the C.N.Q. Ry. within the limits of the said town. File 20569.

No order necessary. Matter referred to the Board's chief engineer and chief operating officer, who are to confer with the parties.

3735. Application of the town of Maisonneuve, P.Q., for an order directing the C.N.Q. Ry. to erect a station at their crossing at LaSalle Avenue. File 18583.

Railway Company to file within three weeks from October 29, plans for station.

3736. Application of the Central Ry. Co. of Canada for approval of plans showing revised location from mileage 0 to mileage 5 in the city of Montreal, P.Q. File 534.5.

Order made approving revised location of the applicant company, subject to condition set forth in the order. See order 17930.

3737. Application of the G.T.R. under section 237 for authority to construct two additional tracks across the Cote Noir road, parish of St. Antoine de Longueuil, P.Q. (proposed new freight yards at St. Lambert, P.Q.) File 20686.

Order made authorizing the applicant company to construct a northerly track across the said Cote Noir road. See order 17927.

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3738. Application of the C.P.R. under section 237, for an Order authorizing it to construct third main line track south of its present tracks across tracks, road-bed and right of way, of the Jacques Cartier Union Railway Co. on Lot Cadastral No. 908, Parish of Lachine, P.Q. File 20442.

Application withdrawn.

3739. Consideration of the matter of requiring the Central Vermont Railway, to remove its freight shed and the C.P.R. to move its baggage room from their present location at Farnham, P.Q., and the time in which the work is to be done. File 9437-834.

Order made directing the removal of the obstruction to the view at the point in question, the C.P.R. to remove its baggage-room at Farnham from its present site, by June 1, 1913. See order 18000.

3740. Application of the C.P.R. under sections 222 and 237 for authority to construct a branch line in the town of Lachine from a point on the Lachine canal, South Bank branch, thence southwesterly direction along the lands of the Lachine canal. Also another branch from Point on South Bank branch, thence in a southwesterly direction along the lands of the Lachine canal between public road and South Bank branch.

Application withdrawn.

3741. Application of C.P.R. for an order directing the City of Montreal to put a bridge at Ontario street in proper repair. File 19893.

Application withdrawn.

3742. Application of the city of Toronto, Ont., for an order directing the G.T.R. and C.P.R. to carry York Street and certain other streets in the said city under the tracks of the said railway companies. Note: This matter is set down for hearing on the question of clearance under the Queen street bridge. File 588, case 3322, part 3.

Order made that the crossings of Front and Overend streets by means of subways be approved, the city of Toronto to pave Mill street from Cherry street to Overend street. See order 18363.

3743. Application of the C.N.O.R. under section 227, for authority to cross jointly with the lines and tracks of the L.J.C. and M R., under the tracks of the C.P.R. near Jacques Cartier Junction, P.Q. (Adjourned hearing.) File 2342.75.

Order made granting the application subject to the condition set forth in the order. See order 17931.

3744. Application of the C.N.O.R. under section 237, for authority to construct its line of railway across Sanguinet street in the city of Montreal, P.Q., by means of structure carrying the railway over the highway (Hawkesbury-Montreal line). File 2342.82

Order made authorizing the crossing of Sanguinet street in the city of Montreal by the applicant company by means of an overhead structure, subject to and upon the condition that the sewer in the street at the point in question is not interfered with. See order 18095.

3745. Application of the C.N.O.R. under section 237 for authority to construct its line of railway across Morrison avenue, Montreal, P.Q. (Hawkesbury-Montreal line). File 2342.89.

Application withdrawn.

3746. Application of the C.N.O.R. under section 237, for authority to construct its line of railway across St. George street in the city of Montreal, P.Q. (Hawkesbury-Montreal line). File 2342.89.

Application withdrawn.

3747. Application of the C.N.O.R. under section 237, for authority to construct its line of railway across McPherson avenue, Montreal, P.Q. (Hawkesbury-Montreal line). File 2342.91.

Order made authorizing the crossing in the terms of the consent minutes filed by city of Montreal. See order 17921.

3748. Application of the C.N.O.R. under section 237, for authority to construct its line of railway across St. Famille street, Montreal, P.Q., by means of structure carrying the railway over the highway (Hawkesbury-Montreal line). File 2342.92.

Application withdrawn.

3749. Application of the C.N.O.R. under section 237, for authority to construct its line of railway across Albert street, Montreal, P.Q., by means of a structure carrying the railway over the highway (Hawkesbury-Montreal line). File 2342.93.

Order made granting the application.

3750. Application of the C.N.O.R. under section 237, for authority to construct its line of railway across St. Urbain street, Montreal, P.Q., by means of a structure carrying the railway over the street (Hawkesbury-Montreal line). File 2342.94.

Application withdrawn.

3751. Application C.N.O.R. under section 237, for authority to construct its line of railway across Park avenue, Montreal, P.Q., (Hawkesbury-Montreal line). File 2342.95.

Order made authorizing the applicant company to cross Parks avenue in the city of Montreal. See order 17919.

3752. Application C.N.O.R. under section 237, for authority to construct its line of railway across St. Charles Borromee street, Montreal, P.Q., by means of a structure carrying the railway over the street (Hawkesbury-Montreal line). File 2342.96.

Application withdrawn.

3753. Application C.N.O.R. under section 237, for authority to construct its line of railway across Lumsden avenue, Montreal, P.Q. (Hawkesbury-Montreal line). File 2342.97.

Application withdrawn.

3754. Application of C.N.O.R. under section 237 for authority to construct its line of railway across Mance street, Montreal, P.Q. (Hawkesbury-Montreal line.) File 2342.98.

Order made granting the application. See order 17920.

3755. Complaint of J. McDonnell of Montreal, P.Q., against the charges of demurrage on cars of export hay when cars are ordered to the wharf and not promptly moved by companies. File 1700.26.

No order made.

3756. Complaint of W. H. D. Miller, Montreal, P.Q., that at Mile End, P.Q., the C.P.R. refuse to consignees that benefit of rule 2, clause 1, of the Candian Car Service Rules, by charging switching \$2 per car, unless placement orders are received by the company before the arrival of cars. File 20408.

No order made. See judgment of Chief Commissioner, dated January 3, 1913.

3757. Complaint of the Canada Cement Co., Ltd. against the charging of demurrage on cars ordered to a specific siding and which are delayed on account of space not being available. File 1700.27.

Order made dismissing the complaint. See order 17895.

3758. Application of the Montreal Board of Trade, under section 315 of the Railway Act, for an order directing the G.T.R. and C.P.R. Companies to equalize their rates on wire fencing and netting, also staples and wire goods, C.L.

Order made directing the G.T.R. and C.P.R. to submit and file, effective April 1, 1913, commodity rates on wire fencing and wire netting in carloads from Montreal, on the basis set forth in the order. See order 18775.

3759. From Montreal to Ontario points, as a basis similar to that prescribed by order No. 6844, April 6, 1909, in the application of the Canadian Freight Association. File 7346.1.

Order made that the G.T.R. and C.P.R. be required to publish and file, so as to become effective by April 1, 1913, commodity rates on wire fences and wire netting in

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carloads including staple and wire gates when forming part of the said carloads from Montreal, on the basis set forth in the order. See order 18775.

3760. The G.T.R., C.N.Q.R. and C.P.R. companies are required to show what facilities they now have and contemplate providing in their Montreal Terminals, also what arrangement, if any, exists between the G.T.R., C.N.Q.R. and C.P.R. with regard to interswitching cars for delivery on each others team tracks. File 20602.

Judgment reserved.

3761. Consideration of the question of a limitation of risk in goods forwarded through heated car service as set forth in the document submitted by the C.P.R. to shippers for the purpose of limiting liability. File 18855.3.

No order necessary. Secretary to write the applicant that the form sent to him was sent in error and should not have been sent.

3762. Complaint of the municipality of Melbourne and Brompton Gore, Que., relative to alleged dangerous crossing about three-quarters of a mile west of Kingsbury, on line of C.P.R., known as Miller Crossing. File 9437.936.

Matter referred to Board's engineer to investigate and report upon.

3763. Complaint of municipality of Melbourne and Brompton Gore, Que., relative to alleged dangerous condition of crossing on south shore of St. Francis river, between Melbourne and Brompton on line of C.P.R. File 14829.

Matter referred to Board's engineer to investigate and report upon.

3764. Complaint of citizens of Bulstrode, Que., *re* condition of ditches, bridges, and culverts near G.T.R. station. File 19678.

Platform to be extended to highway. Culvert to be put in a proper state of repair; the work to be done within two weeks from this date.

3765. Complaint of Rev. R. F. Genereux, Develuyville, Que., *re* condition of G.T.R. station and platform at Bulstrode, Que.

Platform to be extended to the highway. Culvert to be put in a proper state of repair; the work to be done within two weeks of this date.

3766. *Re* Park Avenue subway, Montreal, Que. The Board will consider and hear application of Messrs. Davidson, Wainwright and Alexander, of Montreal, Que., on behalf of Mr. S. O'Shaughnessy, for leave of the Board to a prosecution of the city of Montreal, for the recovery of penalties exceeding the sum of \$100 and the issuing of an order and other necessary processes compelling the city of Montreal to carry out the Board's order. (Adjourned hearing.) File 12912. Part 2.

Board directed that penalty be remitted. The work to be proceeded with by April 1, 1913, and to be completed within six months from that date.

3767. Application of the C.N. Montreal Tunnel and Terminal Co., Ltd., under sections 237 and 227 for authority to cross St. Antoine street and the tracks of the Montreal street railway on the said street in the city of Montreal, Que., by means of an overhead bridge carrying its tracks over the said street and tracks. File 18588.5.

Order made granting application.

3768. Application of the C.N. Montreal Tunnel and Terminal Co., Ltd., under sections 237 and 227, for authority to carry its lines and track over Wellington street and the tracks of the Montreal street railway on said street by means of an overhead bridge in the city of Montreal, Que. File 18588.6.

Order made granting application.

3769. Application of the C.N. Montreal Tunnel and Terminal Co., Ltd., under section 237, for authority to cross Ottawa street, Montreal, Que. by means of an overhead structure carrying its tracks over said street. File 18588.7.

Order made granting application.

3770. Consideration of the question of protection at the crossing of the G. T. R. on the road leading to Cardinal, Ont. File 9,437-819.

Order made. Work to commence April 15, and to be finished July 1, 1913, 20 per cent to be paid out of The Railway Grade Crossing Fund, 25 per cent by the municipality, the balance by the G. T. R.

3771. Application of the township of Beckwith, Ont., for an order directing the C. P. R. to provide a highway crossing in east half of lot 23, concession 11, township of Beckwith, Ont. File 20474.

Order made directing the C.P.R. Co., to provide a farm crossing, the applicant municipality to be at the expense of the necessary grading and gates at the said crossing. See order 18200.

3772. Application of the C. N. O. Ry. Co. under section 258, for approval of the location of its station grounds at Fitzroy Harbour, township of Fitzroy, Ont. File 3561-90.

Order made for diversion of highway. Road to be placed to the north of the railway line.

3773. Application of the Oshawa Ry. Co. under sections 222 and 237, for an order approving of branch line from the end of the present track on Bruce street, Oshawa, Ont., thence over Bruce street and Ritson road to the property of "Bricks, Ltd.," in said town of Oshawa; also to cross the tracks of the Toronto Eastern Ry. and the C. N. R. on the Ritson road. File 19821.

Order made granting application.

3774. Application of the Ontario and Quebec Ry. Co. (C.P.R.) under section 178, for authority to expropriate certain lands in the Notre Dame de Grace ward of the city of Montreal, known as subdivision No. 249, of the primitive lot cadastral No. 163, of the municipality of the parish of Montreal, P.Q., and part of the unsubdivided portion of the primitive lot cadastral No. 169, of the said parish of Montreal, P.Q. File No. 20824.

Order made granting application.

3775. Application of the Inland Coal and Coke Co. for the rescission of order No. 17549 and the reinstatement of order No. 16460 authorizing the C. P. R. to construct, maintain, and operate a spur or branch line of railway for the Inland Coal and Coke Co. at Merritt, B.C. File 19710.

Order made granting application.

3776. In the matter of requiring the G.T.R. to install a full interlocking plant and make necessary rearrangement of tracks at Paris Junction, Ont. File 15499.130. Stands. Railway company to submit plans by the 1st January, 1913. Work to be finished by the 1st of August, 1913.

3777. Application of the C. N. O. Ry. Co. under section 227 for authority to construct its lines and tracks across the lines and tracks of the G. T. R. at Stoney Creek, township of Saltfleet, Ont. File 12021-113.

Order made granting application, subject to engineer's report.

3778. Application of the C. P. R. under section 222, of the Railway Act, for authority to construct, maintain and operate a branch line of railway from a point on the main line of its railway about (650) six hundred and fifty feet southeasterly from the southeasterly side of Forsyth street, in Hochelaga ward, city of Montreal. File 17716.

Board directed that work be suspended until the 1st January, 1913, but C. P. R. to permit of the appeal of the city being heard by the Governor in Council.

3779. Application of the G. T. P. B. L. Co. under section 237, for approval of construction of its Calgary-Boundary branch across highways from mile 81.41, to mile 90.43, district of South Alberta. File 18927-8.

Order made granting application.

3780. Application of the G. T. P. B. L. Co. under section 167 for approval of revised location of its Calgary Boundary branch from the west line of the northeast quarter of section 12-13-24, to the south line of the northwest quarter of section 34-11-23, W. 4 M. mile 81.41 to mile 90.43, district of South Alberta. File 18927.10.

Order made granting application.

3781. Consideration of the matter of requiring the Central Vermont Ry. to move its freight shed, and the C.P.R. to move its baggage room, from their present position at Farnham, P.Q., and the time in which the work is to be done. File 9437-831.

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It appeared that the Central Vermont Ry. shed has been removed. C.P.R. Co. undertakes that its baggage room shall be taken down by the 1st June, 1913, and new one built.

3782. Complaint of Charles Garrow, of Goderich, Ont., alleging dangerous crossing on the line of the G.T.R. at 3rd and 4th concession line, township of Goderich. File 9437.900.

Referred to the Board's engineer to report as to whether the trees obstructing the view should be removed, or a bell installed. Order to go in accordance with his report.

3783. Application of the C.L.O. and W. Ry. Co. under section 237, for authority to construct its lines of railway across the highway between concessions 3 and 4, township of Scarborough, Ont., at mileage 180.69; also to divert said highway in a northeasterly direction to the road allowance between lots 12 and 13, concession 4, of said township, to close up portion of said road allowance and to construct its line of railway across same. File 3701.124.

Referred to engineer for report. Engineer for companies and townships to confer with Board's engineer. Order made for subway. Plans to be submitted; question of distribution of cost reserved.

3784. Application of the London Street Railway Co., under section 227, for an order permitting them to cross the tracks of the C.P.R. at Adelaide street, London, Ont., at subgrade. File 20196.

Order made granting the application subject to certain conditions set forth in the order. Applicant company to pay the whole cost of providing, maintaining and operating a half interlocking plant.

3785. Petition of the residents of the township of Ancaster relative to dangerous condition of the highway crossing over the tracks of the Toronto, Hamilton and Buffalo Ry., known as Garrie's crossing. File 9437.791.

Order made directing the company to cut down the hill in question, by the 6th December, as set out in the order, and directing that 20 per cent of the cost of work be paid out of The Railway Grade Crossing Fund. The question of proportioning the remaining 80 per cent of the cost to be reserved for further consideration by the Board.

3786. Application of Canadian Northern Ontario Ry. under section 159 for approval of location from the south limit of concession road between concessions 5 and 6, township of South Orillia, to mileage 22.04 in the township of North Orillia, Ont. File 8437.7.

C. N. O. R. to file new plan within 30 days. Copy of plan to be sent to the municipality.

3787. Application of C. N. O. R. under section 159, for sanction and approval of location of its line of railway through the townships of York and Scarboro, county of York, mileage 0 to 7.60 from Yonge street. File 3878.532.

Order made approving location of applicant company's line of railway from the end of joint section at station 83; 42.5 to mile 7.60.

3788. Application of the C.P.R., G.B. and S. Ry. and the L.B. and P. Ry. under section 227, to construct two junctions between tracks of G.B. and S. Ry. and L.B. and P. Ry. at mile 72.91 and 74.25, and under section 167 to revise location of the L.B. and P. Ry. near said junction at mile 72.91. (Adjourned hearing.) File 17307.

3789. Application of the municipal corporation of the township of Humberstone, under section 250 for an order directing the G.T.R. to provide and construct suitable culverts under its line of railway known as the Buffalo and Goderich division of the Grand Trunk on lots 22 and 23, concession 1, of the township of Humberstone. File 0681.

Order made directing the G.T.R. Co. to provide and construct culverts under its railway on said lots 22 and 23. work to be completed by May 31, 1913, question of the

railway company's contribution to the entire cost of the work to stand until the work is completed. See order 18534.

3790. Application of the Toronto Suburban Ry. Co., under section 227 for authority to cross the tracks of the G.T.R., where they intersect the applicant company's railway on the Acton Tanning company's property, Acton, Ont. File 20564.

Order made granting the application. Half-interlocking plan to be installed. Applicant company to bear the whole cost of installation and maintenance. See order 18373.

3791. Application of the city of Toronto, Ont., under sections 237 and 238, for an order directing the G.T.R., C.P.R. and the C.N.R. companies to erect and maintain gates or such other protection as the Board may deem advisable on either side of the railway tracks of the said companies where such tracks cross George street, in the city of Toronto, and to operate such gates by watchmen, or to do such other acts as the Board may order for the protection of the public using such streets. File 588.28.

Order made. The crossing to be protected by watchmen from 6.30 a.m. to 6.30 p.m. by railway company, one third of the cost to be paid by the city, one-third by the C.P.R. and one-third by the G.T.R.

3792. Application of the Empire Flour Mills, Ltd., of St. Thomas, Ont., for the restoration of the milling-in-transit arrangement on United States corn; the product of which was shipped from St. Thomas to points on or *via* the G.T.R. and C.P.R., the said arrangement under Michigan Central tariffs having been cancelled on the 3rd January, 1911. (Adjourned hearing.) File 20050.

Judgment reserved. Matter referred to the Board's chief traffic officer to report upon.

3793. Application of the Fruit Growers' Association of Ontario, for an order requiring railway companies—

(a) To accept and forward per carloads of fruit at the carload rate subject to the carload minimum weight, from the original shipping point to the final destination, to be stopped in transit for completion of the carload at an additional charge of \$3 per car for each such stop.

(b) For the carriage of fruit to furnish refrigerator cars equipped with rack or slatted floors, so as to insure free circulation of cold or warm air.

(c) To reimburse the cost of such rack or slatted floors when these have to be furnished by the shippers themselves.

(d) To reimburse the cost of the slatted floors and paper linings necessary to adapt box cars for this traffic, in case the railway companies should be unable to furnish refrigerator cars on reasonable notice. File Nos. 19666 and 20747.

The Board refused the application for stop-over privileges for completion of carload shipments in transit at an additional charge of \$3 per car each such stop; railway companies to re-establish the arrangement formerly in effect, whereby apples were carried to concentration points for storage, inspection, or for completion of carloads and re-shipment subject to certain conditions at a reduction of one-third from the local tariff rates to the concentration points, so as to become effective by April 5, 1913; the G.T.R., G.T.P., C.P.R. and C.N.R. companies to notify the Board not later than April 15, 1913, of what number of their refrigerator cars in service are supplied with slatted floors, and what number are not.

3794. Application, T.H. and B. Ry. Co. under sections 235 and 237, for an order authorizing it to cross at grade highway known as Sanford Avenue South, Hamilton, Ont., with two spurs. File 20761.

Order made refusing the application.

3795. Application of the city of Hamilton for an order directing the T.H. and B. Ry. Co. to provide proper protection at the intersection of the company's railway with O'Reilly street, Hamilton, Ont. File 20141.

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Order made. Railway company to protect at its own expense the crossing at O'Rielly street and Ferguson avenue, by a day and night watchman.

3796 Application, city of Hamilton, Ont., for an order directing the T.H. and B. Ry. to provide proper protection at the intersection of the company's railway with Ferguson avenue, Hamilton, Ont.

Order made. Railway company to protect at its own expense the crossing at O'Rielly street and Ferguson avenue, by a day and night watchman.

3797. Application, city of Hamilton for an order directing the Hamilton Electric Light and Cataract Power Company, Ltd., and the Hamilton Cataract Power, Light and Traction Company, to remove their poles, wires and cables on portions of certain streets in Hamilton. (Adjourned hearing.) File 19730.

Judgment reserved.

3798. Application of G.T.R. to construct spur to the premises of the Massey-Harris Company, Ltd., crossing the lands of the Canadian Rumley Co., Ltd., Abell and Sudbury streets, in the city of Toronto. File 20706.

Order made granting the application on the terms and conditions contained in the application of the city of Toronto filed with the Board. See order 18100.

3799. Complaint of the municipality of Shunish, Ont., relative to the G.T. Ry. crossing over Oliver road in that municipality. File 9437.910.

Application authorizing to cross highway and plan to be filed at once. Work to be completed within two weeks.

3800. Consideration of the matter of protection of the crossing of McTavish street, over the C.P.R. in the city of Fort William which was authorized by order No. 15957, dated the 9th day of February, 1912. File 18603.

Order made that C.P.R. file with the Board, within thirty days from November 8, 1912, plans of gates directed to be installed at this crossing, and within two months after the approval of plans, maintain and operate gates at this crossing with a day and night watchman, 20 per cent of cost to be paid out of The Railway Grade Crossing Fund, one-third by city of Fort William and two-thirds by railway company, cost of maintenance and operation to be borne, 25 per cent by city and the balance by the railway company.

3801. Application of the C.P.R. under section 237 for authority to construct four extra tracks across May and Ridgeway streets in the city of Fort William, Ont., the portion of said streets affected by the said crossing of track to be closed and replaced by street diversion on the northwesterly side of said tracks, but without crossing same. File 20538.

Order made granting the application upon the conditions set forth in the order. See order 18457.

3802. Application of the Board of Trade of Fort William and Port Arthur for the discontinuance of the practice of railway companies giving free storage at those points to traffic from the east. (Adjourned hearing.) File 18508.

Struck off the list. Not to be set down again until the Boards of Trade make formal application.

3803. Application for an order disallowing, as unjust or unreasonable, the tolls charged by the C.P., C.N. and G.T.P. Ry. Cos., for switching grain from and to the grain elevators at Port Arthur and Fort William. File 20735.

Judgment reserved.

3804. Application of the express companies operating at Port Arthur for an order fixing restricted limits at Port Arthur within which the express tolls shall include wagon service and amending the order of the Board No. 14982, dated August 10, 1911. File 4214.146.

Order made directing that until further ordered, the tolls of the said express companies include the collecting and delivery of express freight by the said companies, in all thoroughfares reasonably passable for express wagons in that portion of the city of Port Arthur described in the order. Order No. 14982 rescinded. See order 18346.

3895. Complaint of the Vigers-Shear Lumber Company, of Port Arthur, against the increase from \$3 to \$5 per car for switching from complainants' siding to the company's interchange with the Canadian Northern Railway at Port Arthur for furtherance to Westford, and for which increased charge no tariff has been published and filed. File 6713.21.

Application dismissed. It may, however, be considered with file 20735 when that application is dealt with by the Board.

3896. Application Fort Francis District Board of Trade, for an order directing the C.N.R. to provide at the village of Devlin, Ont., the following:—

1. A station with sufficient accommodation and facilities for the traffic at that point.
 2. Connect the company's freight shed with the main highway by means of a properly constructed wagon road.
 3. To build a loading spur and siding within reasonable access from the public highway.
 4. To build a cattle yard and cattle loading chute and construct a platform to facilitate the loading of grain at that point.
 5. To open the water courses and facilitate the draining of the station grounds.
- File 20791.

Application withdrawn.

3897. Application Harry Simpson, *et al*, at Niverville, Man., for an order directing the C.P.R. to station and keep permanent station agent at Niverville; also to stop its express trains, travelling in both directions, at said station. File 20776.

Order made requiring the C.P.R. Co. to appoint and maintain a permanent agent at Niverville station, agent to be appointed on or before February 1, 1913.

3898. Complaint from Ira D. Pringle, Dugald, Man., alleging non-payment by C.N.R. for the erecting of fences along the right of way through his property on the southwest $\frac{1}{4}$ section 7-11-6, Man. File 9994.58.

Matter settled by payment in full from the railway company.

3899. Application of Robert Wallace, *et al*, for an order directing the C.P.R. to construct a subway at the crossing between sections 24 and 25 in township 11, range 12. W.P.M. Manitoba. File 20114.

Order made diverting crossing. The longer construction on the south side of the track to be looked after by the C.P.R., and also to construct the road across the right of way. The shorter construction to be looked after by the municipality, 20 per cent of the whole cost of work to be paid out of The Railway Grade Crossing Fund.

3810. Complaint of the farmers in township 15, range 22, west of the 1st meridian, against the proposed location of the Canadian Northern Railway siding in the northeast $\frac{1}{4}$ section 2. File 8318.2.

Order made that the C.N.R. file with the Board, within 30 days plan showing four car spur. Applicants to provide railway company with sufficient land for construction of spur and pay cost of same. Railway company at liberty to remove switch and frog connecting spur with main line during the months of June, July and August in each year.

3811. Application of the Grain Growers Association of Baldur, Man., for an order requiring the C.N.R. to provide the siding for grain loading purposes at a point between Baldur and Belmont, Man. File 20174.

Order made directing C.N.R. to construct a four car siding at a point between Baldur and Belmont. Applicants to provide land for the siding and to grade it. The railway to provide ties and rails and to maintain siding.

3812. Application of the municipality of Rockwood town of Stonewall and Stonewall District Board of Trade, for an order directing the C.P.R. to grant commutation passenger tickets to passengers travelling between Winnipeg and Stonewall, on the ground that the C.P.R. sell commutation tickets between Winnipeg and Winni

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peg Beach, and the C.N.R., between Winnipeg and Oak Point, Manitoba. (Adjourned hearing.) File 20171.

Application dismissed.

3813. Application of C.P.R., under section 237 for authority to construct one additional track and re-construct an existing track on the Emerson branch; also to construct an additional track on its old or north main line across Montcalm street, St. Boniface, Man. File 20206.

Order made granting application C.P.R., to, at its own expense, place a watchman at Montcalm street, for the purpose of protection.

3814. Application G.T.P.B. lines under section 227, for authority to cross with its Harte Brandon branch the C.P.R. main line in the northeast $\frac{1}{4}$ section 31-10-17, W.P.M. File 18030.17.

Order made amending order 17216, August 15, 1912, by providing overhead structures authorized by said order shall be wide enough to permit of two tracks only to pass under same.

3815. Application C. N. Ry. Co. under section 227 for authority to construct its lines and tracks across the lines and tracks of the C. P. R. in the S.E. $\frac{1}{4}$ section 620-28 W. 4th M. Alta. File 18481.74.

Order made granting application, C. N. R. to bear expense of changing grade on line of C. P. R., making such change in grade as necessary to Highwood River bridge.

3816. Application of the C. P. R. under section 237 for authority to construct across Nairn street, Winnipeg, one additional track on its old or north main line and one additional track on its new or south main line, said south main line being also known as the Molson cut-off. File 20205.

Order made granting the applicant company leave to cross Nairn street; said crossing to be protected by a day and night watchman; the expense of the said watchman to be borne by the applicant company. See order 18361.

3817. Application of the Midland Railway Co., of Manitoba, and Winnipeg Trackage, Ltd., under section 227, for an order granting leave to the Midland Railway Company to cross the tracks of a main industrial spur of the C. P. R. near Wall street, Winnipeg, Man., with the tracks of an industrial spur leading to the lands of Winnipeg Trackage, Limited. File 20815.

Application refused, with privilege of renewing it at any future time.

3818. Tees and Persse, Ltd., John Deere Plow Co., Ltd., Campbell Bros., Wilson Co., Ltd., Miller, Morse Hardware Co., Ltd., the Frost and Wood Co., Ltd., A. R. Williams Machinery Co., Ltd., and other corporations and persons being owners of industries situate along the branch line of the Canadian Pacific Ry. Co., in the city of Winnipeg, known as Princess street spur, applying for an order rescinding order No. 17398, dated the 30th day of August, A.D. 1912. File 20115.

Order made refusing the application.

3819. Complaint of G. R. Scruton, of Beausejour, Manitoba, that whereas the C.P.R. does not exceed the Winnipeg rates to points on its Teulon and Winnipeg Beach branches on lumber and shingles from British Columbia points, it exceeds the Winnipeg rate by 5 cents per 100 pounds to Beausejour; notwithstanding that complainant must pay the Winnipeg rates on similar shipments from Keewatin. File 20790.

Order made that the C.P.R., C.N.R. and G.T.P. companies reduce the local and joint rates on lumber from shipping points west of and including Blairmore and Laggan, Alta., to points east of the Red river, so as to graduate less abruptly from the Winnipeg basis to the maximum basis west of lake Superior; reduced rates to become effective not later than April 1, 1913. Complaint with regard to the rates from Keewatin dismissed. Order No. 18738.

3820. Application of the G. T. R. and the G. T. P. Branch Lines Companies under section 254, subsection 4, for an order relieving such companies from erecting

and maintaining gates in opening in right of way fences provided to give the public ingress to and egress from station reservations on their respective lines. File 9994.65.

Application dismissed. Judgment, Chief Commissioner and Commissioner McLean, November 15.

3821.. Complaint of the St. Boniface Board of Trade, and the Western Stone Co., of Winnipeg, that in transferring stone ex-Tyndall, from the C.P.R., to the C.N.R. and G. T. P. R., the companies are disregarding the provisions of the general inter-switching order No. 4988. File 20241.

No order made. Complainants to furnish C. P. R. with statement. Railway to arrange for refund of any overcharge.

3822. Complaint of the St. Boniface Board of Trade, and Messrs. Couture and Marion, of St. Boniface, that by increasing its rate on brick from St. Boniface to Yorkton from 10 cents to 10½ cents per 100 pounds the C. P. R. Co. is now charging an excessive rate; also, that in charging 3 cents per 100 pounds from Portage la Prairie, to Winnipeg, and 4¾ cents from Winnipeg to Portage la Prairie, the company discriminates against St. Boniface Brick Manufacturers in favour of those at Portage la Prairie. File 20240.

Application dismissed.

3823. Application of J. M. Suttie, corner Florence and Fisher streets, Riverview, Winnipeg, and A. E. M. Paget, Jessie avenue, between Helen street and Aysley street, for the inclusion of their residences within the limits prescribed by order of the Board No. 15006 of September 15, 1911, for the free collection and delivery of goods by the express companies at Winnipeg. File 4214.145.

No order necessary as Canadian Northern Express undertook to arrange to deliver to Mr. Suttie's house.

3824. Complaint of J. G. Simmie, of McConnell, Manitoba, that the Canadian Northern Express Co. charge higher rates between McConnell, Manitoba, and Winnipeg, than those charged by the Dominion Express Company for similar or greater distances between Hamiota and Strathelair and Winnipeg. File 4214.292.

Judgment reserved. Matter referred to the Board's chief traffic officer to investigate and report upon.

3825. Consideration of the question of "sample markets" under the Canadian Grain Act with respect to matters therein assigned to the Board of Railway Commissioners. File 20367.

Judgment reserved.

3826. Application, city of Brandon, to cross with its municipal street railway the Canadian Northern at Tenth street. File 19861.

Order made granting the application upon the conditions set out in the order. See order No. 18241.

3827. Application of city of Fort William, for an order directing C.N.R. to install and provide safety appliances at the intersection of Gore and Frederica streets, West Fort William. File 20687.

Order made directing C.N.R. to erect gates at Gore street, 20 per cent of the cost of installation to be paid out of "The Railway Grade Crossing Fund," 20 per cent of the remaining 80 per cent to be paid by the city, and the balance by the railway company. Cost of maintenance to be borne, 20 per cent by the city, and 80 per cent by the railway company. Gates to be completed and put into operation on or before the 1st of March, 1913.

3828. Application of the city of Brandon for leave to cross the line of the Canadian Northern Railway Company on First street, with the lines of its street railway. File 21112.

Order made authorizing the crossing, subject to the conditions set out in the order.

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3829. Complaint of the Canadian Oil Co., Ltd., *re* refusal of C.P.R. to switch car loads of empty barrels at Paddington received from C.N.R. stores department, Winnipeg. File 20870.

Judgment reserved. Matter referred to the Board's chief traffic officer to report upon.

3830. Complaint of Frank Yestrom regarding condition of fences along right of way of C.N.R. Co. between Dufresne and St. Ann, Manitoba.

Order made requiring the company to repair immediately its fences along the right of way between Dufresne and St. Ann, Manitoba.

3831. Application of C.N.R. Co., for an order under section 237 of the Railway Act, authorizing the construction of a second track across Dawson road, St. Boniface, Man.

Order made granting application without prejudice to the right of way of the city of St. Boniface to apply for protection at the said crossing at any future date.

3832. Application of Canadian Northern Railway Co. to cross irrigation ditches of the Canadian Pacific Railway Company in the Province of Alberta. File No. 12924.35.

The companies having arranged the differences existing between them, draft order to be signed and forwarded to the Board for signature.

3833. Application city of Winnipeg, requiring the C.P.R. Co. and the Winnipeg Electric Ry. Co. to show cause why the McPhillip street subway should not be used for street railway traffic.

Board decided that subway may be used for street railway purposes if there is no danger to superstructure owing to attachment of electric wires, &c. Details of work to be done under direction and to satisfaction of the Board's engineer.

3834. Petition residents of The Pas, N.W.T., for an order directing the C.N.R. to provide a regular train service between Hudson Bay Junction and The Pas. File 12792.

Matter stands. C.N.R. Co. have promised to install a telegraph service between Hudson Bay Junction and The Pas, by the 7th December.

3835. Complaint of the municipality of the village of Marcelin, Sask., relative to C.N.R. crossing at that point. File 20362.

C.N.R. stated that the matter had been arranged and the work partially completed.

3836. Complaint of town of Prince Albert, Sask., regarding snunting of cars across certain streets and protection required thereat.

Town to file complaint as to protection required.

3837. Complaint of Chas. McDonald, of Prince Albert, Sask., *re* freight rates between Montreal, P.Q., and Vancouver and Victoria and between Montreal, P.Q., and Prince Albert, Sask.

Matter to be considered in connection with the Western Freight Rates Case.

3838. Complaint of J. Hopwood regarding overcharge on car of settler's effects by C.N.R.

C.N.R. undertook to look into the matter and if a mistake has been made to rectify the same. If it is not settled to the complainant's satisfaction he is to communicate with the Board.

3839. Application of McKenzie Ellis Wood Company, Ltd., for an order directing the Canadian Northern Railway Company to construct a spur to run off the city track crossing Seventeenth street to lots 1 and 4, block 13. river lots 76, Prince Albert, Sask.

Railway company stated that it would arrange with the applicants to construct the spur. No action necessary.

3840. Complaint of rural municipality of Kindersley, Sask., respecting condition of road leading up to loading platform at Firmount siding, in township 28, R. 24, W 3rd M. on the line of the C.N.R. File 20575.

The run off the loading platform has been fixed up and the company are working at the road. No further action necessary at present.

3841. Application of the Waldheim Board of Trade for an Order directing the C.N.R. to construct a station at that point. File 15825.

Order made requiring a third-class station to be completed by the 1st May, 1913.

3842. Complaint citizens and farmers of Ruddell, Sask., relative to alleged shortage of cars at that point on the line of the C.N.R.

Matter explained by solicitor for C.N.R. to the satisfaction of the Board.

3843. Complaint of E. E. Bent, of Landis, Sask., regarding delay of C.P. car 141176 loaded with flour and groceries at Saskatoon for Landis, Sask.

The Solicitor for the C.N.R. stated that the company were responsible for the delay, and that the man had been dismissed. No further action necessary.

3844. Complaint of J. B. Cote, of Legal, Alberta, against the alleged poor accommodation for passenger and freight and the manner of handling of freight by the C.N.R. at that point. File 20831.

Order made directing the C.N.R. Co. to erect a suitable shelter and platform. Plans to be filed by the 22nd December, 1912. Work to be commenced after approval of plans.

3845. Application Robert Bailey, Esq., of Namao, Alta., under section 171 for leave to work the mines and minerals lying under the railway of the Edmonton, Dunvegan and British Columbia Railway Company. S.W. 1-4, 8-55-24, W. 4th M. Alta. File 20827.

Order made granting the application subject to the conditions set forth in the order. See order 18904.

3846. Petition from the farmers in the vicinity of Lamartin, Alberta, for an order directing the G.T.P. Ry. to provide facilities for loading cattle and hogs at Lamartin, Alta. File 19058.

Referred to the Board's inspector to look into and report upon the question of traffic. Company promised to furnish necessary grain cars.

3847. Application of the village of North Edmonton, Alberta, for an order directing the C.N.R. to construct a crossing at Kelly avenue across the tracks of the said company. File 19618.

Order made dismissing the application. See order No. 18240.

3848. Application of the village of North Edmonton, Alta., for an order directing the G.T.R. Co. to construct a switch or switches for the purpose of loading and unloading freight consigned from and to the village of North Edmonton. File 20121.

No further action necessary tracks having been put in by the railway company.

3849. Application of the corporation of the city of Edmonton, Alta., for an order directing the G.T.R. to construct a switch or switches for the purpose of loading and unloading freight consigned from and to the village of North Edmonton. File 20121.

No further action necessary tracks having been put in by the railway company.

3850. Application of the corporation of the city of Edmonton, Alta., under section 29, for an order amending or varying order No. 16259, by providing for the straightening or widening of the wing walls of the subway now constructed over Fort Saskatchewan trail. File 9023 Part 2.

Permission granted to the city as it desires to change wing walls of the subway. Plans to be submitted to the Board and the G.T.P. City to do the work at its own expense, no allowance to be made out of The Railway Grade Crossing Fund.

3851. Application of the city of Edmonton, Alberta, under sections 29 and 30, for an order directing the C.N.R. Co. and the G.T.P. Ry. to use one set of double tracks from eastern boundary of the city to First street. (Adjourned hearing.) File 16839.

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Engineers of the respective parties to consult together. Board's operating officer to report. Railway companies to prepare plans and submit same to city and Board's engineer. Plans to be prepared by 22nd January, 1913, and to show as far as possible manner in which question of grade separation is to be dealt with. Plans also to show points where, in opinion of the railway companies, the rights of way can be brought together with a view of eliminating unnecessary cost and expense of subway construction except in places where it may be necessary to put in local yards or extra tracks for the purpose of looking after existing industries or industrial track spaces that the city are now laying out, negotiations to be gone on with as soon as the two months are up.

3852. Application of the Edmonton and Clover Bar Sand Co., of Edmonton, for consideration of the rates charged by the Grand Trunk Pacific Ry. Co., from the complainants' sand and gravel pits at Clover Bar to Edmonton. File 20826.

Judgment reserved.

3853. Application under section 237 for authority to construct a highway across the right of way of the Edmonton, Yukon and Pacific Railway Co., and the right of way of the Grand Trunk Pacific Ry. Co., within the limits of the city of Edmonton for the purpose of connecting Nineteenth street, north and south of said right of way. File 20578.

Engineers of respective parties to consult together. Board's operating officer to report. Railway companies to prepare plans and submit same to city and Board's engineer. Plans to be prepared by 22nd January, 1913, and to show as far as possible manner in which question of grade separation is to be dealt with. Plans also to show points where, in opinion of railway companies, the right of way can be brought together with a view of eliminating unnecessary cost and expense of subway construction except in places where it may be necessary to put in local yards or extra tracks for the purpose of looking after existing industries or industrial track spaces that the city are now laying out, negotiations to be gone on with as soon as the two months are up.

3854. Consideration of the question of protection at crossing of C.N.R. over Edmonton street railway at First street, Edmonton, Alta. File 8636, case 4041.

Engineers of the respective parties to consult together. Board's operating officer to report. Railway companies to prepare plans and submit same to city and Board's engineer. Plans to be prepared by 22nd January, 1913, and to show as far as possible manner in which question of grade separation is to be dealt with. Plans also to show points where, in opinion of the railway companies, the right of way can be brought together with a view of eliminating unnecessary expense and cost of subway construction except in places where it may be necessary to put in local yards or extra tracks for the purpose of looking after existing industries or industrial track spaces that the city are now laying out, negotiations to be gone on with as soon as the two months are up.

3855. Petition of the Minburn Board of Trade, and residents of that vicinity, requesting that the C.N. Ry. Co. be directed to maintain a station and a station agent at that point. File 20214.

Referred to Board's inspector to make inspection and report, to ascertain the amount of business done at Minburn. Platform to be extended 60 feet.

3856. Complaint of John McNeill of the Twin City Transfer Co., Edmonton, that he is not allowed equal privileges with another Transfer Co., to solicit transfer and baggage at the C.P.R. station. File 20922.

Order made granting the application subject to the conditions set out in the order, but without prejudice to the position of the applicant when the question of further protection arises.

3857. Application of Harold W. Riley, of Calgary, for reconsideration of the Board's order No. 17384, of September 4, 1912, as amended by order No. 17492 of

September 14, 1912, prescribing express rates on cream, and terms and conditions of services in connection therewith. File 4214.219.

Stands for applicants to furnish the Board with a statement of particulars and to send a copy of it to the express companies.

3858. Application of G.T.P.B.L. Co., under section 167, for approval of revised location from section 33-23-29, W. 4 M. to north line section 1-24-1 W. 5 M. mile 196.81 to mile 198.44, district of South Alberta, Alta., and

Application of Caradoc David Jenkyn of Calgary, for an order rescinding order No. 13880, dated June 10, 1911, approving of the G.T.P. Branch Lines location, entrance, into Calgary. File 10821.17.

Application withdrawn.

3859. Application of the Canadian Northern Railway Co., under section 159, for sanction and approval of the location of its line of railway through townships 23-24, and ranges 29, W. 4 M. 21, W. 5 M. and part of the city of Calgary, Alta. Mileage 255.73 to 261.44. File 12924.20.

Complaint abandoned, as matters complained of have been adjusted.

3860. Application Calgary Brewing Co., *re* switching of cars on 15th street, Calgary, Alta. File 21194.

Board decided that an order should issue for installation of switches as shown on plan, as soon as city council of Calgary passes necessary by-laws.

3861. Complaint of Board of Trade, Gleichen, Alta., *re* C.P.R. car supply. File 18705.20.

Board decided that this matter should be dealt with by Grain Commission.

3862. Complaint of Banff Board of Trade, Banff, Alta., against the proposed change of route on the C.P.R. through Banff, Alta. File 21182.

Board directed that if the company should make an application to change its line the Board would take this protest into consideration.

3863. Application of the Canadian Pacific, Grand Trunk, Michigan Central, and Canadian Northern Railway Companies, for an order providing that notwithstanding anything contained in the order of the Board dated January 25, 1906, (approving the Canadian Car Service Rules) shippers or consignees who retain cars for loading or unloading beyond the free time allowed by said rules, shall pay certain demurrage charges, as set out in this application.

Order made that on the publication and filing of tariffs therefor, and for the period commencing December 15, 1912, and terminating March 31, 1913, the applicant companies are permitted to increase the car service or demurrage toll prescribed by order No. 906, January 25, 1906, from \$1 a day to \$2 a day for the first 24 hours and to \$3 for each succeeding 24 hours. Order not to apply to cars held in transit at stop over points under published tariffs. See order 18178.

3864. Application of the Ashcroft and District Board of Trade of Ashcroft, B.C., for new freight accommodation at local station at Ashcroft, B.C., on the line of the C.P.R. File 20166.

No further action necessary.

3865. Complaint of M. F. Shook, Hatzic, B.C., for an order directing the C.P.R. to provide a farm crossing where the railway affects his property. File 19849.

No action taken by the Board.

3866. Complaint of the Mission District Board of Trade alleging that the level crossing over the tracks of the C.P.R. at Mission City, B.C., known as Horne avenue crossing, is inadequate, also is blocked by cars for thirty minutes and upwards at a time. File 15725.

Matter to stand until the municipality passes a by-law for the building of a bridge.

3867. Complaint of the residents of Fairview avenue and the municipality of Penticton, B.C., relative to location of the Kettle Valley railway through the town of Penticton, B.C. File 17738.25.

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Railway company to furnish the municipality with copies of the plans of street crossings, and municipality to be given an opportunity to present its views to the Board before an order issues.

3868. Application of the Charles Henry Ziegler, *et al.* George Rittner, Lemuel Freer, Henry L. Massey, and others, under sections 258 and 284 of the Railway Act, for an order directing the Grand Trunk Pacific Railway Company to provide a station and freight accommodation at Haysport in the province of British Columbia, and

Application of the Grand Trunk Ry. Co., to amend order No. 17253, dated the 20th day of August, 1912. File 19995.

Order made that the Grand Trunk Pacific Ry. Co. stop its trains for mail and passenger service at Haysport, B.C., until the opening of navigation. Order No. 18592.

3869. Application of the corporation of the district of Coquitlam, B.C., under section 237, for an order directing the C.P.R. Co. to provide and construct a suitable crossing connecting Hastings street with the Dewdney Trunk road, at Westminster Junction, B.C. File 20351.

Matter referred to the chief operating officer of the Board to report upon, and in the meantime no order made regarding change of station.

3870. Application Abbotsford Timber and Trading Company, Limited, for permission to cross the track of the V.V. and E.Ry. Co. with their logging track, in the centre of section 20, township 16, E.C.M. File 20034.

Order made for an overhead or level crossing, which ever is recommended by the Board's engineer. Protection to be at the expense of the applicants.

3871. Application C.P.R., for approval of plans showing proposed new location of station at Salmon Arm, Shuswap subdivision, B.C., Division. File 19616.

Order made extending time for completion to the 28th April, 1913.

3872. Complaint of the Vancouver, Nanaimo Coal Mining Co., Limited, that the E. and N. Ry. refused to handle private coal cars over their main line. File 19535.

Order made dismissing the complaint. See order 18246.

3873. Application Canadian Pacific Ry. Co., for leave to terminate the siding agreement made November 1, 1911, between the C.P.R. and the Vancouver Ice and Cold Storage Co., Limited, the siding in respect of which this application is made being situate in the city of Vancouver. File 20130.

See judgment of Chief Commissioner, dated January 22, 1913, that no order will go for one month in order to allow the parties to agree as to compensation.

3874. Application of the British Columbia Sugar Refining Co., of Vancouver, for an order prohibiting the Canadian Pacific Ry Co., from trans-shipping in its Vancouver yard straight carloads of sugar ex-complainants' siding, so as to consolidate two carload shipments into one car, for different consignees at the same destination, or for different destinations. File 20550.

No further action necessary.

3875. Complaint of the British Columbia Sugar Refining Co., of Vancouver, alleging discrimination by the Canadian railway companies in their rates on sugar to points in the western provinces, in favour of the refiners in Eastern Canada. (Resumption of hearing held at Vancouver, July 27, 1912.) File 19700.

See judgment of Commissioner S. J. McLean, dated February 21, 1913, deciding that the application must stand to be dealt with in connection with the general investigation into western freight rates.

3876. Complaint of the Pacific Machinery and Supply Co., of Vancouver, against the first-class rating of the Canadian Freight Classification for band saws. File 20698.

Order made dismissing the application.

3877. Application of the Imperial Rice Milling Co., of Vancouver, B.C., for reductions from the present freight rates on rice and broken rice (or brewers grits)

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from Vancouver to points east of and including Calgary to Winnipeg, inclusive. File 20198.

Order made dismissing the application.

3878. Application of the city of Vancouver, B.C., for an order regulating the carriage of milk in the district of Vancouver, B.C. File 20119.

No further action necessary.

3879. Application of the city of Vancouver, B.C., for an order allowing the construction of a bridge or viaduct to be used as a public highway from Georgia street to Harris street in the city of Vancouver over the railways of the C.P.R. and the V.V. and E. Ry. and Navigation Co.'s tracks. File 20060.

Order made as to the V.V. and E. Ry. and Navigation Co., approving of the plans of the crossing of the Georgia-Harris street bridge, city of Vancouver, to do the work at its own expense. With regard to the C.P.R., order to go in the terms of the consent matter signed to be filed. Order to go in regard to the protection of North Vancouver Ferry crossing G.T.P. crossing at Columbia avenue crossing.

3880. Application of the city of Vancouver, B.C., for an order allowing the construction of a subway and approaches thereto under the railway of the C.P.R. to be used as a public highway at and adjoining Carroll street, in the city of Vancouver, B.C., and apportioning the cost of the same. File 20061.

Order made as to the V.V. and E. Ry. and Navigation Co., approving of the plans of the crossing of the Georgia-Harris street bridge, city of Vancouver to do the work at its own expense. With regard to the C.P.R. order to go in the terms of the consent matter signed to be filed. Order to go in regard to the protection of North Vancouver Ferry crossing. G.T.P. crossing at Columbia avenue crossing.

3881. Application for an order allowing and directing the construction of highways on Hastings street, Pender street, Keefer street, and Harris street, by way of overhead bridges or viaducts over the railway of the V.V. and E. Ry. and N. Co., at its intersection of said streets and for the costs of such construction and maintenance of same. Plan in trip. File 20062.

Order made that the time within which the British Columbia Electric Ry. Co., be allowed to appeal from order of the Board No. 17840, be extended for two months from November 29, 1913, and directing that the work be completed under said order within six months from November 28, 1912. See order No. 18253.

3882. Complaint from the land owners and residents of White Rock, B.C., per Mr. Henry T. Thrift, of White Rock, B.C., relative to the Victoria Terminal and Ferry Company, otherwise the Great Northern Railway Co., failing to provide facilities for the public to get to the waters of Seminhoe bay about three and one-half miles north of the international boundary line, more particularly in section 10, township 1, New Westminster district. File 20176.

Referred to the Board's engineer to report on best place for subway. Order made for construction of subway. Detail plans to be filed within three weeks from the time the Board's engineer visits the point.

3883. Petition of the residents of Abbotsford, B.C., asking that Hazel street be opened up across the tracks of the C.P.R. and British Columbia Electric Railway in order to relieve the congestion of traffic at Essendene avenue, in Abbotsford, B.C. File 17618.

Board decided nothing could be done until local authorities give the residents the right to cross the tracks of the British Columbia Electric Co. When consent obtained application may be renewed.

3884. Application of the Dolata Shingle Co., Limited, for an order requiring the C.N. Railway Co. to construct a spur to serve the applicants' mill near Townsend station, B.C. File 20917.

Order made authorizing the construction of the branch line, and directing the railway company to construct it by February 14, 1913. See order 18508.

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3885. Application of the city of Vancouver for the construction of gates at the crossing of the C.P.R. and Victoria drive, Vancouver.

No further action deemed necessary by the Board. If the city desires to go on with the application at a future date, it may renew the application.

3886. Application of the Municipal Council of Delta, B.C., for an order reviewing, rescinding, changing, altering, or varying order of the Board made on the application of the V.V. and E. Ry. and Navigation Co., on August 5, 1907, relating to a portion of the River road in the municipality of Delta, and order of the Board No. 6817, dated March 3, 1909, and for an order compelling the V.V. and E. Ry and Navigation Co. to make a safe and sufficient road in lieu of that portion of said river road taken by the said railway company for purposes of its railway. File 6000, case 4431.

Order made dismissing the application. See order 18247.

3887. Complaint of John A. Lee and F. J. Hart & Co., Ltd., of New Westminster, B.C., relative to refusal of the G.N.R. to stop their train leaving Vancouver at 4 p.m. at Crescent.

This is set down in view of the further complaint of F. J. Hart & Co., of New Westminster, B.C., dated November 11, 1912, that the G.N.R. have not put in proper train service. File 19737.

Railway company to send to the Board and to the applicants copies of new time table to be issued about the 1st of January. Applicants to make any further representations they desire.

3888. Complaint of the municipality of Point Grey, B.C., relative to the condition of Granville street depot on the Vancouver and Lulu Island Railway (operated by the British Columbia Electric Railway Co.) File 20947.

The matter complained of to stand in abeyance for one month. If company not then in a position to state when the work on the new station will be completed, then the Board will deal with the matter.

3889. Application Vancouver, Victoria and Eastern Ry. and Navigation Co. under sections 178, 180 and 237 for authority to expropriate certain lands in the district of New Westminster, part of the lands being required for the purpose of diverting the Gunn road and Brunette road and part for purpose of providing an overhead crossing over tracks of said railway company at North road; also for an order closing portions of the Gunn road and Brunette road. File 572.33.

Judgment reserved, the engineers of the parties interested to hold a conference with the engineer of the Board, who is to report in the matter.

3890. Application of the Minister of Railways of British Columbia for an order directing that the pivotal span in the railway bridge over the Fraser river at New Westminster, B.C., shall be required to open only for the passage up or down the river of such ships, barges, boats or other vessels as cannot by the adoption of a hinge or similar device lower their smoke stacks, funnels, masts, flag-staffs or other similar erections and pass under the bridge without the pivotal span thereof being opened.

Order made in terms of regulations filed with the Board.

3891. Application on behalf of the Burrard Inlet Tunnel and Bridge Co., for the approval of the location of their railway from station 0 plus 00 to station 130 plus 03.6 on the S.S. of Burrard Inlet and for the approval of the location on the north side from station 148 plus 26 to station 174 plus 88.7. File 15732.4.

Order made granting the application subject to condition set forth in the order. Order No. 1765 rescinded. See order 18035.

3892. Application of the C.P.R. Co., for approval of the location of station at Coquitlam. File 20750.

Order made dismissing the application. See order 18379.

3893. Complaint of the Langley Prairie Farmers and Traders Association regarding fences on the line of the V.V. and E. Ry. from Cloverdale to Aldergrove.

Referred to the Board's inspector to investigate and report on. Order to go in accordance with his report.

3894. Petition from the Delta Board of Trade against the running of the G.N. Ry. train between Guichon and Vancouver.

Order made. With regard to the complaint regarding train service, &c., the railway company to file its answer within fifteen days and forward copies of reply to the complainants.

3895. Application of the Western Paper Mills, Limited, for the extension of their present siding at mill at Sapperton, B.C., on the G.N.R. also to have their local freight trains stop at applicants' mill to take freight to Vancouver and leave off freight from Vancouver. File 19195.

Order made that the Great Northern Ry. Co. extend the said siding 100 feet, work to be commenced by December 9, and completed by December 29, 1912. See order 18255.

3896. Complaint of the question of protection at the crossing of the British Columbia Electric Ry. Co., over the Esquimalt and Nanaimo Ry., near Russell station, B.C. File 19313.

Order made rescinding the operative part of order No. 16133, dated March 15, 1912, and amending same. See order 18733.

3897. Complaint of the Victoria-Phoenix Brewing Co., of Victoria, B.C., that on April 1, 1912, the C.P.R. Co. increased its rate on ales, beer, and porter from Victoria to Vancouver locally from \$2 to \$4 per ton, and on the returned empties from \$2 to \$3 per ton. File 20363.

Judgment reserved. Referred to the chief traffic officer of the Board for report.

3898. Application of the corporation of the city of Victoria in the province of British Columbia for an order directing the employment of a watchman and the installation of gates on Esquimalt road, in the city of Victoria, where the same is crossed by the tracks of the Esquimalt and Nanaimo Ry. Co., Limited. File No. 9437,944.

Order made directing the Esquimalt and Nanaimo Ry. Co., to erect, maintain, and operate gates at the crossing with day and night watchman, 20 per cent to be paid out of 'The Railway Grade Crossing Fund,' 20 per cent by the city of Victoria, 30 per cent by the E. and N. Ry. Co. and 30 per cent by the British Columbia Electric Ry. Co., Limited. The cost of maintenance and operation to be borne and paid, 30 per cent by the city of Victoria, 35 per cent by the British Columbia Electric Co. and 35 per cent by the E. and N. Ry. Co. Plans to be filed by January 2nd. Gates to be completed and put in operation within three months from the date of the approval of the plans by the Board.

See Order No. 18249.

3899. Application of the town of Blairmore, Alta., per the opening of 8th avenue across the tracks of the C.P.R. File 17711.

G.N.R. Co. to furnish the Board with report as to number of cars available for Canadian shippers and certain other information.

3900. Complaint of A. E. Watts, Wattsburg, B.C., alleging discrimination by C.P.R. against him in the matter of car supply. File 20667.

Referred to the Board's operating department for investigation and report.

3901. Complaint of Iron Mountain, Limited, Hudson Bay Mines, Queen Mines of Salmo, B.C., *re* G.T.P. refusal to supply cars for shipment of load ore from Salmo, B.C., to the Trail Smelter and Nelson, B.C. File 20619.

Judgment of the Chief Commissioner that the railway company must provide cars for business originating on its lines in Canada. Matter referred to the Board's operating officer for an inspection of the companies' traffic and facilities, within six months from March 7, 1913, the date of the judgment, in order to ascertain whether the Board's directions have been carried out. The question of freight rates to stand until the work of collecting further data is completed.

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3902. Complaint of F. W. Godsall, Alta., and of the Board of Trade of Nelson, B.C., against alleged excessive passenger rate on C.P.R. steamers between ports of call on Kootenay and Arrow lakes, in the province of British Columbia. File 5889.

Judgment reserved. Referred to the Board's chief traffic officer for report.

3903. Application of Board of Trade, Nelson, B.C., that the C.P.R. be compelled to show cause why they should not now issue a new tariff showing reductions of rates similar to those recently granted to Spokane in as much as the present rates from points of origin in the east to Nelson, B.C., are discriminatory and unreasonable. File 11067.

Stands to be dealt with in connection with General Western Freight Rates Case.

3904. Application of the Public Works in the Government of British Columbia for an order under section 237 of the Railway Act, 1903, directing the Elk Lumber Co., Limited, to provide and construct level highway crossing at Fernie, B.C., across their spur. File 20906.

Judgment reserved.

3905. Complaint of Mr. H. H. Perry, of Ernfold, Sask., relative to unsanitary condition of slough and lack of crossing at Ernfold station on the line of the C.P.R. File 20742.

No action taken, the C.P.R. Co. stating that the ground for complaint had been removed, and that the company would put the station on the down side of the track, which will remove the difficulty with regard to crossing.

3906. Application of the Board of Trade of Weyburn, Sask., for joint through rates by the C.N.R. and C.P.R. via Midale, Sask. File 6713.19.

Order made directing that the tracks of the Grand Trunk and Canadian Pacific Railway Companies at Orillia be so connected as to provide for the reasonable receiving, forwarding, delivering and interswitching of traffic between their respective railways. Plan to be filed showing proposed connection and interchange tracks by the 31st January, 1913. See order No. 18451.

3907. Application of the city of Hamilton, Ont., *re* G.T.R. shunting cars on Ferguson avenue.

Board will consider appointment of a sole arbitrator to adjust all claims arising out of the G.T.R. Company's operations on Ferguson avenue. (Adjourned hearing.) File 18292.

3908. Application of the G.T.R. Co., under section 178, for authority to expropriate certain lands in the city of Hamilton, Ont., for the purpose of enabling the applicants to comply with the terms and directions contained in order of the Board No. 16671. File 18292.

Order made granting the application. See order 18891.

3909. *Re* Brock avenue subway, Toronto, Ont. Board will consider changes in plans of subway, desired by the city of Toronto, Ont. File 9437.106.

No order necessary. Plans referred to the Board's engineer to deal with.

3910. Application of the C.N.O.R. under section 159 for sanction and approval of location of its line of railway through the town of Deseronto, township of Tyendinaga, Ont., mileage 132.99 to 134.30. (Adjourned hearing.) File 3878.530.

Application granted in so far as the location is concerned. Question of damages to land owners reserved.

3911. Application of the Bay of Quinte Ry. Co., under section 237 for authority to revise the grade of its line of railway across the public road between lot 49, concession 1, township of Camden, counties of Lennox and Addington, and lot 16, concession 3, township of Portland, county of Frontenac, Ont. File 20644.

Order made granting the application subject to the conditions set forth in the order. See order No. 18891.

3912. Application of the C.L.O. and W. Ry Co., under section 227 for authority to cross the G.T.R. spur at mileage 20 from Glen Tay in the town of Cobourg, Ont. File 3701.65.

Judgment reserved, referred to the Board's engineer to report upon.

3913. Application of the C.N.R. for authority to cross C.P.R. Co's. Soo line in the N. W. 1-4 section 13, township 2, R. 8. W. 2 M. in the province of Saskatchewan File 20703.

Application granted.

3914. Consideration of the question requiring railway companies to provide more efficient protection to car repairers working on repair tracks. File 20847.

Judgment reserved. Referred to the Board's chief operating officer. See circular No. 98.

3915. Application of the T.H. and B. Ry. Co., under section 178, for authority to take without the consent of the owners certain lands situate in township of Brantford, Ont., in order to provide for new storage tracks. File 21035.

Application withdrawn.

3916. Application of the town of Blairmore, Alberta, for an order authorizing the opening of 8th avenue across the tracks of the Canadian Pacific Railway Company. File 17700.

Order made refusing the application and authorizing the C.P.R. Company to open up, at its own expense, the original road allowance known as Twelfth street across its tracks in the town of Blairmore, Alberta.

3917. Application of the city of Lethbridge, Alberta, for an order making permanent the crossing of the tracks of the Canadian Pacific Railway Co. at 13th street authorized for by order No. 16640, dated May 28, 1912. File 18908.

No order made pending the expiration of the time fixed under order of the Board No. 16610. The engineer for the city of Lethbridge and the railway company to consider what is a proper solution of the difficulties at the point in question.

3918. Complaint of the Lethbridge Brewing and Malting Co., in regard to freight rates on malt from Minneapolis, U.S.A., via the C.P.R. to Lethbridge. File 21205.

Judgment reserved. Referred to the Board's chief traffic officer to report on.

3919. Complaint of Mr. H. H. Perry, of Ernfold, Sask., relative to unsanitary condition of slough and lack of crossing at Ernfold station on the line of the C.P.R. File 20742.

Company stated that the slough had been filled in and that the unsanitary conditions complained of had been removed. Company to put the station on the down side of the track, which will remove the difficulty with regard to the crossing. No further action necessary at present.

3920. Complaint of the G.T.P. Branch Lines Company, under section 237, for approval of plans showing Regina-Moosejaw branch under Main street in the city of Moosejaw, and road diversion. File 10863.53.

Matter settled. Board decided no further action necessary.

3921. Application of the town of Weyburn, Sask., for an order authorizing the construction of spur tracks for the purpose of adequately serving a tract of land recently required for industrial purposes. File No. 21172.

Order made granting the application. See order 18713.

3922. Application of J. H. Maharg for an order directing the Grand Trunk Pacific Ry. Co., to erect a fence on both sides of the right of way of the railway where it crosses the northeast quarter 3-17-27, W. 2 M. File No. 9991.74.

Line not yet constructed; but railway company will undertake to fence Mr. Maharg's property.

3923. Application Neil Gilmour, for an order directing the Grand Trunk Pacific Ry. Co., to construct an under-crossing on the northwest half 2-17-25, W. 2. M. File 20482.

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Order made that the G.T.P. Co. cut off the top of the hill on the south side of the applicant's farm crossing and improve the grade. Work to be completed by May 15, 1913.

3924. Petition of the rural municipality of Webb No. 138 for an order directing the Canadian Pacific Ry. Co., to put in crossings at certain highways. File No. 19538.

Stands; the company to look into the question where the crossing should be located. Municipality and railway company to act in conjunction in settling where the crossing should be established, and to satisfy the Board on the question of seniority.

3925. Complaint of the town council of Estevan, Sask., against the closing of Souris street by the C.P.R. File 20212.

No further action necessary.

3926. Petition from farmers in the vicinity of Wauchope, Sask., for an order directing the C.P.R. to construct a stock yard at that point. File 20435.

No further action taken as Board had no jurisdiction.

3927. Complaint of the council of the rural municipality of Pheasant Valley No. 288, Sask., relative to failure of the C.N.R. to construct necessary crossing on road allowance between sections 7 and 8 and 7 and 18-29-18 W. 3' M. File 20179.

Order made authorizing the crossing. Work to be completed by the 21st January, 1913.

3928. Complaint of the rural municipality of Walpole, Sask., per C. N. Syme, of Wawota, Sask., *re* condition of crossings in that district on the line of the Brandon-Regina branch of the C.N.R. File 24244.

Order made requiring the C.N.R. Co., to grade the diversion in section 2, and to construct certain highway crossings as set out in the order; work to be completed by July 31, 1913.

3929. Complaint of the rural municipality of Walpole, Sask., per C. N. Syme, of Wawota, Sask., *re* condition of crossings in that district on the line of the Maryfield-Lethbridge branch of the C.N.R. File 10799.138.

Referred to the Board's engineer to report on. Order to go in accordance with his report.

3930. Application of the Saskatoon Brick and Supply Company *re* spur from C.N.R. File 18697.

Order made authorizing the Canadian Northern Railway Company to construct the spur.

3931. Complaint of J. B. McCugan, of Kronau, Sask., with reference to discrimination in freight rates alleged to exist between the towns of Kronau and Tajord on the Arcola line. File 20864.

Order made dismissing the complaint. See order 18343.

3932. Application of the city of Regina, Sask., under sections 227 and 228 for an order varying order No. 14282, to allow the city of Regina to operate its municipal street railway on Dewdney street east of Albert street, over a diamond installed by the city in September, 1911.

Order made granting the application subject to the conditions set forth in the order. See order 18445.

3933. Application of the city of Regina for authority to cross with its municipal street railway the G.T.P.B.L. Co. at rail level at the intersection of Dewdney street with Alexander street. File 21061.

Order made granting the application; crossing to be protected by a half-interlocker; work of installing to half-interlocker to be done by respondent company to be completed by June 30, 1913. See order 18445.

3934. *Re* crossing of Avenue "A" and 23rd street, Saskatoon, by a spur track of the Canadian Pacific Railway. This has a reference to order No. 17894. File 20751.

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Order made amending order No. 17894, by providing that the applicant bear and pay the cost of putting in the diamond at the crossing of Avenue "A" and one-half the expense of operating and maintaining the half-interlocker. See order 18421.

3935. *Re* crossing of Avenue "H," Saskatoon, by the tracks of the Canadian Northern Railway. File 20943.

Order made that order No. 18331 be varied and that the cost of portion be varied as follows: City of Saskatoon to put in and maintain the diamond and the cost of providing and maintaining the half-interlocker plant to be divided equally between the city and the C.N.R. See order 18720.

3936. Complaint regarding the filing of plans by the Canadian Northern (Regina). File 21312.

Order made that unless the railway company withdraws that portion of its location plan affecting lots 21 to 30, in block 175, by March 27, 1913, it shall, at the expiration of the time named, forthwith take the necessary steps to acquire the said lots.

3937. Complaint of Regina Board of Trade *re* demurrage. File 1700-34.

The Regina Board of Trade to file with the Board any representations it desires to make.

3938. Complaint from the town of Emerson, per W. W. Unsworth, relative to Main street trestle work of the Canadian Northern Railway Co. being too low. File 18233.

Order made directing the C.N.R. at its own expense to macadamize the approaches and roadway under the trestle and to erect a fence on the west side of each end of the subway, approximately 300 feet of fencing to be erected by the 15th January, 1913, the work to be completed by June 15, 1913.

3939. Application of the Canadian Northern Saskatchewan Ry. Co. (Wroxton Westerly Branch) under section 227 of the Railway Act for authority to construct its lines and tracks across the lines and tracks of the Grand Trunk Pacific Railway (Canora branch) in the town of Yorkton, Sask. File 18860.2.

Order made refusing the application to cross the point applied for but authorizing the crossing at a point north of the distant signal placed on track of Grand Trunk Pacific Branch Lines Co. as shown on the plan filed with the Board and subject to the conditions set out in the order. See order 18372.

3940. Application of the city of Fort William for an order directing the C.N.R. Co. to provide safety appliances for protection of vehicular and pedestrian traffic at the intersection of Frederica street with the main line of the C.N.R. Co.

This application is set down for the purpose of affording the C.N.R. Co. an opportunity to speak to the question of the distribution of the cost of the work. File No. 20688.

3941. Application of the C.P.R. Co. under section 237 of the Railway Act, for authority to construct four extra tracks across May and Ridgway streets in the city of Fort William, Ont., the portion of said streets affected by the said crossing of track to be closed and replaced by street diversion on the northwesterly side of said tracks but without crossing same.

This application is set down for further hearing to enable the Canadian Pacific Railway Co. to state whether or not it considers it feasible to divert the line so as not to interfere with the streets in front of lot 32. File 20538.

Order made dismissing the application without prejudice to the applicant to renew it at any future time.

3942. Complaint of the Russell-Baker Packing Co., Ltd., regarding supply of stock cars and supply of water in the yards at Kinistino, Melfort, Birch Hills, Shellbrook and Star City. File No. 21244.

Order made that the C.N.R. Co. put in water-troughs and suitable flooring in the pens, and supply Star City, Melfort, Kinistino, Birch Hills and Shellbrook.

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Sask., and arrange for suitable facilities to Prince Albert for switching stock. Work to be done not later than June 15, 1913. See order No. 18423.

3943. Application of the city of Winnipeg for an order directing the construction of a spur track in Elmwood. File No. 21222.

Application withdrawn.

3944. Application of the C.P.R. Co. under section 237 for authority to construct across Nairn street, Winnipeg, one additional track on its old or north main line and one additional track on its new or south main line, said south main line being also known as the Molson cut-off.

This application is set down for the purpose of enabling the C.P.R. Co. and the city to speak to the question of elimination of the grade at some point to be agreed upon between them. File 20205.

Order made granting leave to C.P.R. Co. to cross Nairn street, crossing to be protected by day and night watchmen at the expense of the company.

3945. Application of the C.P.R. for authority to construct additional track across Clavet, Nelson and Stephen streets, Port Arthur, Ont. File 20528.

Referred to the Board's engineer to report.

3946. Application of the municipality of Assiniboia with reference to some difficulty which has arisen over the repair and upkeep of a combined railway and traffic bridge of the C.N.R. over the Assiniboine river, immediately west of this city. File No. 21193.

No action taken.

3947. *Re* Winnipeg joint terminal tracks.

This matter is set down for hearing for the purpose of speaking to the question of a temporary crossing over Taylor's spur. File No. 18578.

3948. Application of the G.T.P.B.L. Co. for an order under section 261, subsection 7, allowing it to temporarily carry traffic over portion of Regina-Moosejaw branch between mile 34.7 and mile 40.1. File No. 10863.57.

Order made granting application of company and directing that it fence that portion of its line covered by the order before June 1, 1913.

3949. Application of the Consul General of Japan for an order requiring telegraph companies, subject to the jurisdiction of the Board, to accept telegrams in plain Japanese language at the single count, in the same manner as those in French, German and the other so-called plain languages authorized in international telegraph conventions relating thereto. File 10041.33.

Order made that all telegraph companies be required to receive for delivery at code-language count, both plain languages and code-languages, Japanese telegrams between points in Canada to and from inland points outside of Canada until such times as a sufficiently comprehensive dictionary is prepared and approved.

3950. Consideration of the new tariffs of cartage tolls of the railway companies, the effective dates of which have by orders of the Board, been postponed to December 31, 1912. (Adjourned hearing.) File 18663.9.

Order made that the special tariffs of the railway companies be disallowed, and in lieu thereof, the companies may file and publish special tariffs of toll charges for cartage at those points in Eastern Canada where cartage services are rendered which shall not exceed $2\frac{1}{2}$ cents per 100 pounds provided that the minimum toll may be charged and collected for the cartage of any single complete shipment not exceeding 15 cents. See general order No. 97.

3951. Application of the T. H. and B. Ry. Co. under sections 235 and 237 for authority to cross at grade the highway known as River Road, township of Welland, Ont., with three spurs. File 20961.

Order made granting the application. Applicant company to install an electric bell at the said crossing by January 23, 1912. See order 18380.

3952. Consideration of the question of protection of crossing of the C.P.R. at Chambers street, Smiths Falls, Ont. (Adjourned hearing.) File 9437.847.

Referred to the Board's engineer to report upon.

3953. Application of the T.H. and B. Ry. Co. under section 178, for authority to take without the consent of the owners certain lands situate in the township of Brantford, Ont., in order to provide for new storage tracks. File 21035.

Application withdrawn.

3954. Application of the C.N.O.R., under section 227, for authority to construct its lines and tracks across the lines and tracks of the C.P.R. in the township of Penbroke, Ont., at mileage $\pm 2\ 4$ west of Ottawa, by means of an overhead structure. File 3561.109.

Order made amending order 17474 by adding the following words: "and it appearing that the Canadian Pacific Railway Company is the senior road at the point of crossing."

3955. Application of the C.N.O.R. under section 237, for authority to construct its line of railway across the public road between concessions B and 2, township of Westmeath, county of Renfrew, Ont. File 3561.122.

Order made authorizing the applicant company to construct a subway, said subway to have 14 feet head room and to be 20 feet wide on the line of the travelled portion of the highway.

3956. Application of John A. Brown, of Beachburg, Ont., for a subway crossing on his property on south half of lot 13 and part of north half of lot 12, concession 3, E.M.L. township of Westmeath, Ont., on the line of the C.N.O. Ry. File 3561.128.

Order made directing the railway company to construct an under-crossing 15 feet wide with 12 feet headroom, where the same crosses the applicant's farm. See order 18546.

3957. Application of the C.L.O. and W. Ry. Co. under section 237 for an order authorizing it to construct its line of railway across Scugog street, in the town of Bowmanville, Ont., being at mileage 140.2 on said railway. NOTE.—The question of the distribution of cost to be spoken to. File 3701.73.

Order made that the cost of installing and maintaining the gates at the said crossing be paid, 80 per cent by the applicant company and 20 per cent by the Toronto and Eastern Ry. Co. See order No. 18541.

3958. Application of the C.L.O. and W. Ry. Co. under section 237, to cross the side road between lots 7 and 8, concession 1, township of Sydney at mileage 85.05 (from Glen Tay, Ont.) File 3701.208.

Order made granting the applicant company's application. See order No. 18778.

3959. Complaint of the township of Gloucester, Ont., and J. Kilgour, of Billings Bridge, Ont., respecting crossing of the C.P.R. at the side road between lots 22 and 23, Junction Gore, said crossing known as "Kilgore's Crossing." (Adjourned hearing.) File 9437.911.

Stands; no order to issue at present. Board to visit the locality after the snow is off the ground.

3960. Application of Robert Moore, Bell's Corners, Ont., for an order requiring the C.N.O.R. to provide a farm crossing on his farm on lot 11, concession 2, Ottawa Front, township of Nepean, Ont. File 3561.126.

Stands, pending settlement.

3961. The Michigan Central Railway Co., the Perre Marquette Ry. Co. and the T.H. and B. Ry. Co. are required to show cause why they should not be required to adopt and put into force the uniform code of rules approved by the Board for the operation of Canadian railways. File 4135.20.

No order made. Rules to be filed by the railway companies for the approval of the Board.

3962. Consideration of the matter of requiring railway companies to provide return fences and cattle guards at farm crossings where one railway parallels another.

No order made.

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3963. Consideration of the advisability of standardizing the position of the emergency valve on passenger equipment in use by steam railways subject to the jurisdiction of the Board. File 21174.

No action taken.

3964. Application of the Dominion Stock and Bond Corporation, Ltd., of Vancouver, B.C., for an order under section 258, directing the G.T.P. Railway to provide and construct a suitable station at Fort Fraser, B.C. File 18970.

Matter stands *sine die*, to be brought up again if the parties cannot agree as to station site. In the meantime, G.T.P. put in an application for approval of a station site on the west side.

3965. Application of the G.T.R. Co. for a re-hearing of the complaint of the Caldwell Sand and Gravel Co., Windsor, Ont., against the increased rates on brick from Bradford, Pa., to points in southern Ont. File 19391.

Judgment reserved.

3966. Application of Mr. E. A. LeSueur, Ottawa, Ont., to have paraffin wax, at present classified under oils, added to the chemicals list in the Canadian Freight Classification. File 19367.3.

Order made granting the application.

3967. Application of the corporation of the town of Arnprior, Ont., under section 238 for an order directing the G.T.R. to provide and construct a suitable crossing where the Canada Atlantic branch of said railway intersects Ida street. File 21084.

Order made dismissing the application. See order 18650.

3968. Application of the corporation of the town of Arnprior, Ont., under section 238, for an order directing the C.P.R. to provide and construct suitable crossings where the company's railway intersects Hugh street and Ida street, in the town of Arnprior, Ont. File 21085.

Order made dismissing the application. See order 18651.

3969. Application of the Saskatchewan Land and Homesteading Co., Ltd., under section 226, for an order directing the Calgary and Edmonton Ry. to construct a branch line into the lands of the applicant company, being in section 21-5-27 W. 4 M. File 21219.

Order made directing the railway company to construct the spur line. The work to be completed by the 1st of June, 1913. See order No. 18946.

3970. Application of the G.T.R. under section 178, for authority to expropriate certain lands, being composed of parts of lots cadastral numbers 146 and 147, in the concession de la Coteau Rouge, parish of St. Antoine de Longueuil, P.Q. File 21340.

Order made granting the application. See order No. 18859.

3971. *Re* Neebing Avenue spur, Fort William, Ont.

NOTE: Board will discuss the question of level crossing of proposed spur over Canadian Northern Railway and character of protection to be installed. File 19669.

Order made amending order No. 17869 to provide for the construction of the proposed branch line across the line of the C.N.R. Co., on Neebing avenue. Said crossing to be protected by a half-interlocking plant. The C.P.R. Co. to construct the spur within three months from date of the order. See order No. 18908.

3972. Application of the C.P.R. under section 29, for an order varying the order of the Board No. 16029 *re* the appointment of Judge W.S. Senkler, as arbitrator in the matter of closing of certain streets by the C.P.R. in the town of Smiths Falls, Ont. File 9437-109.

Order made varying the Board's order No. 16929, upon the consent of the parties, except as set forth in the order. See order 18681.

3973. Complaint of Bromley Bros. of Sault Ste. Marie, Ont., that the Algoma Central and Hudson Bay Ry. Co. has removed the switch from the main line to complainants' saw-mill.

NOTE.—The question of the apportionment of the cost of the work will be considered. File 21069. Complaint withdrawn.

3974. Application of the Edmonton Interurban Ry. Co. under sections, 176 and 227, for authority to use portion of the Edmonton Dunvegan and British Columbia Ry. and for authority to construct across the tracks of the said railway in the northeast $\frac{1}{4}$ of section 25-53-25 W. 4 M., Alberta. File 21225.

Order made granting the application. The crossing to be protected by derails. Installation and maintenance to be borne and paid for by the applicant company. See order 18750.

3975. Consideration of the question of standardizing safety appliance equipments similar to the requirements of Interstate Commerce Commission. File 11654, part 2.

Order made rescinding order No. 6027, dated November 25, 1908, and amending order No. 8145, dated the 14th September, 1909.

3976. Consideration of the matter of requiring railway companies, subject to the jurisdiction of the Board to put into use truck and body bolster locking device which will hold the body of the car to the trucks, or passenger equipment, in case of derailment, head-on or rear-end collision. File 20846.

Board decided to take no action at present in regard to this matter.

3977. Complaint of James Cowie, township of Cramahe, relative to location of C.L.O. and W. Ry. through his farm on lot 35, concession 1, township of Cramahe. File 3701.13.

Order made refusing the application for a subway, the railway company to move the house and the barn to whatever points the Board's engineer indicates. This work to be done before an arbitration proceedings are taken. The railway company to be at liberty to serve fresh notice of expropriation.

3978. Application of Norman Bellyou, Trenton, Ont., for an Order directing the C.L.O. and W. Ry. Co. to provide a cattle pass across its railway on the applicant's farm in lot 6, concession 1, township of Murray, Ont. File 3701.146.

Withdrawn, the railway company having agreed to put in a cattle pass.

3979. Application of the Hon. Geo. A. Cox, of Toronto, Ont., executor of the last will and testament of John Cox, deceased, and Edward Cox, of the township Cramahe for an order directing the C.L.O. and W. Ry. to provide and construct a suitable undergrade farm crossing on lot 28, concession 1, township of Cramahe. File 20451.

Order made directing the railway company to build a culvert to be used as a cattle pass and to maintain the same so that cattle may pass through at all times except during spring freshets, and to construct suitable approaches thereto upon its own right of way.

3980. Application of the C.L.O. and W. Railway under section 237, for authority to construct its line of railway across the highway between concessions 1 and A, township of Hamilton, said highway being known as the Cobourg road, and being at mile age 124.07 from Glen Tay, Ont. (Adjourned hearing.) File 3701.80.

Judgment reserved.

3981. Application of the C.L.O. and W. Ry. under section 237, for authority to construct its line of railway at mileage 43.7, from Glen Tay, across the road allowance in lot 34, concession 8, township of Camden, Ont., and to close a portion of said road allowance and to replace the portion thus closed by a highway diversion, which diversion will cross the said railway in lot 34. File 3701.144.

Order made upon the consent of the railway company to cut away and grade on the east side of its right of way so that a clear view from the highway westward as far as the crossing from the Bay of Quinte may be seen and also to make the road 30 feet wide for 100 feet on each side of the right of way.

3982. Application of the C.L.O. and W. Ry. Co., under section 237, to construct across the road allowance between lots 30 and 31, concession 1, township of Hope, Ont. mile 133.38 from Glen Tay, Ont. File 3701.181.

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3983. Application of the C.L.O. and W. Ry., under section 237, for authority to construct its line of railway at mileage 140.58 from Glen Tay, across the road allowance between lots 22 and 23, Broken Front concession, township of Clarke, Ont. File 3701.129.

Stands. Board will visit the locus.

3984. Application of the C.L.O. and W. Ry., under section 237, for authority to construct its line of railway at mileage 139.93, from Glen Tay, across road allowance between lots 20 and 21, Broken Front concession, township of Clarke, Ont. File 3701.130.

Order made approving the level crossing.

3985. Application of the C.L.O. and W. Ry., under section 237, for authority to construct its line of railway at mileage 137.13 (from Glen Tay) across the road allowance between lots 10 and 11, Broken Front concession, township of Clarke, Ont. File 3701.131.

Order made granting the application.

3986. Application of the C.L.O. and W. Ry., under section 237, for authority to construct at mileage 136.06 (from Glen Tay) across road allowance between lots 6 and 7, Broken Front concession, township of Clarke, Ont., to close up portion of said road allowance and to replace same by a highway diversion, which diversion will cross the said railway at mileage 136.11 on the south half of lot 7, of said concession. File 3701.132.

Application granted. See order 18773.

3987. Application of the C.L.O. and W. Ry., under section 237, for authority to construct its line of railway across the following highways in the townships of Clarke and Darlington, Ont. Road allowance between concessions 2 and 3, township of Clarke, mile 145.33 (from Glen Tay) road allowance between townships of Clarke and Darlington, mile 145.52 (from Glen Tay), road allowance between concessions 1 and 2, township of Darlington, mileage 146.69 from Glen Tay. File 3701.133.

Order made approving of the three level crossings shown on the plan. Board decided that no diversion be allowed.

3988. Application of the C. L. O. and W. Ry., under section 237, for authority to construct across road allowance between lots 12 and 13, concession 1, township of Murray, Ont., at mileage 90.75 (from Glen Tay). File 3701.207.

Order made approving a grade crossing. The C.L.O. and W. Ry. Co. to take care of the drainage.

3989. Complaint of township of Murray, Ont., relative to dangerous crossing on the line of the G.T.R. between lots 8 and 9, in said township. File 9437.861.

G.T.R. Co. to prepare a plan showing a bridge carrying the highway over both railways with a 10 per cent approach on the north. Copies of plan with an estimate of cost to be sent to municipality, the C.P.R. Co., and to the Board by 5th of March, 1913.

3990. Complaint of township of Murray, Ont., relative to crossing of G.T.R. between lots 12 and 13, township of Murray, Ont. File 9437.862.

Order made dismissing the application.

3991. Application of the C.L.O. and W. Ry. under sections 167 and 227, for an order authorizing revision of a portion of its line as already approved by under orders Nos. 16870 and 17363, the said revision being from a point in the town of Cobourg, Ont., near William street at mile 120.34, thence to a point in the east half of lot 25, concession A, township of Hamilton, at mile 121.92, also for a crossing over the G.T.R. by means of a bridge at mileage 121.03, in the west half of lot 21, in said township. File 3701.180.

Application granted subject to the condition that the embankment be sodded and trees planted or a fence and hedge to shelter the view of the headlight of a locomotive off the track, be erected. See Order 18779.

3992. Application of the C.L.O. and W. Ry., under section 237, for authority to construct, by means of a grade crossing, its railway over the highway between lots 8 and 9, concession 1, township of Murray, Ont., at mileage 89.66 (from Glen Tay). File 3701.206.

Temporary crossing at grade granted. Permanent crossing to await result of disposition of the matter when Board has considered the plan to be filed by the G.T.R. Co. on file No. 9437.861.

3993. Application of the G.T.R., under sections 222, 237, and 167, for an order:—

(a) Authorizing it to construct, maintain, and operate a branch, or connecting line of railway between a point on the applicant company's main line (7th district east of Port Hope viaduct) and a point on the 8th district northern division, of its railway, north of Barrett street, Port Hope, Ont., crossing by means of overhead bridges Peter, Mill, Ontario and Barrett streets, and crossing at grade King street, and the Base Line Road (to be closed).

(b) Approving the span diagrams, masonry plans, and stress sheets of the bridges to carry the said branch line across Peter, Mill, Ontario and Barrett streets, Port Hope.

(c) Approving of the level crossing of King street, and the Base Line road.

(d) Sanctioning and approving the plan, profile and book of reference submitted in triplicate herewith, showing the proposed deviation of the applicant company's present Midland-Port Hope line, 8th district, Northern division and siding therefrom, between Ontario street and a point north therefrom, near Nicholson's file works.

(e) Authorizing the construction of the said diverted tracks across Ontario and Barrett streets at grade. (File 3675.2.)

Order made granting the application. The applicant company to submit a plan, for the approval of the Board and the town of Port Hope, of the proposed station, by the 14th March, 1913, station to be completed within two years from date of order. See order 18708.

3994. Application of the town of Port Hope, for an order requiring the Canadian Northern Ontario and Grand Trunk Railway Companies to furnish within the limits of the town of Port Hope interchange facilities for the handling of traffic of every description between the two companies; and that should the necessary site within the town not be available the said companies to furnish plans showing the most favourable location from their point of view. File 6713.34.

Order made that the railway company, at its own expense, construct a transfer track between its railway and the Grand Trunk Railway. Plans to be filed by the 13th May, 1913, work to be completed on or before the 31st December, 1913.

3995. Application of the township of Hope, Ont., for an order directing the G.T.R. to increase shipping facilities for stock at Camden Hill, Ont. File 15810.

Stands to enable the parties to arrange the matter.

3996. Application of the C.L.O. and W. Ry., under section 227, for authority to construct its tracks at mile 149.2, across the tracks of the Toronto Eastern Ry. at the junction of Scugog and Wellington streets, Bowmanville, Ont. File 3701.64.

Order made granting the application, crossing to be protected by an interlocking plant. (See order 18813.)

3997. Application of the C.L.O. and W. Ry., under section 237, for authority to construct its railway across Prospect, Albert, Simcoe and Centre streets, Oshawa, Ont., all being at grade, except crossing at Simcoe street, which is to be underneath and will cross railway by means of bridge. File 3701.176.

Judgment reserved.

3998. Application of the C.L.O. and W. Ry. Co., under section 237, for authority to construct its tracks at mileage 161.7 from Glen Tay, across road allowance between lots 20 and 21, concession 1, township of Whitby, Ont. File 3701.148.

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Order made granting the application, the company to remove the barn on the east side of the road and the shoulder of earth that obstructs the said crossing. See order 18795.

3999. Application of the C.L.O. and W. Ry., under section 237, for authority to construct its line of railway across the road allowance between concessions 1 and 2, township of Whitby, now Dundas street. File 3701.157.

Order made that order 17823, in so far as it authorizes the crossing at the point in question, be varied to provide for an opening of at least 25 feet parallel to the highway, 20 feet for the roadway and 5 feet for the sidewalk. See order 18670.

4000. Application of the C.L.O. and W. Ry. Co., under section 237, for authority:—
(1.) To divert the Kingston road in lots 14 and 15, concession 1, township of Darlington, part of said road lying within the town of Bowmanville, Ont.

(2.) To carry said diversion across the tracks of the said railway by means of an overhead bridge at mileage 149.3 (from Glen Tay).

(3.) To continue said diversion to connect with the Kingston road.

(4.) To divert the road allowance between said lots 14 and 15, to connect with the said diversion of the Kingston road; the portions of said Kingston road and said road allowance thus replaced by the proposed diversions are to be closed. File 3701.204.

Order made granting application. Width of bridge to be increased to 25 feet.

4001. Application Gough & Sellers, Ltd., Toronto, Ont., under section 237 or 254, for an order directing the C.P.R. to provide, construct and maintain a suitable highway crossing, where the company's railway intersects Sight Hill avenue, township of York, Ont. File 21043.

No order made.

4002. Application of the G.T.R., under sections 237 and 257 for authority to renew bridge No. 6, 15th district, Middle division, carrying its railway over Queen street west, Toronto, Ont. File 20995.

Order made providing for a new bridge. The apportionment of the cost reserved to be spoken to on a subsequent application.

4003. Application of the Greenwood Conduit Co., of Toronto, Ont., under section 226, for an order directing the G.T.R. to build a spur line being along a lane in the rear of the premises of the Greenwood Conduit Co., situate on Broadview avenue, Toronto, connecting with the existing spur line of the G.T.R. File 21271.

Order made in accordance with oral judgment of the Chief Commissioner.

4004. Consideration of the matter of protection at the crossing of the G.T.R., C.P.R., and the C.N.O.R., at Sherbourne street, Esplanade, in the city of Toronto, Ont. File 9437.965.

Struck off the list.

4005. Application of the corporation of the city of Toronto, Ont., under sections 237 and 238 for an order directing the G.T.R. to provide protection at the crossing of the tracks of the said company at Greenwood avenue, Toronto, Ont., by the installation of gates and watchmen, to be operated night and day. File 1682.

Order made that gates be installed and operated day and night, 20 per cent of the cost of installation to be paid out of The Railway Grade Crossing Fund, 25 per cent by the city of Toronto, and the remainder by the railway company; 25 per cent of the cost of maintenance and operation to be paid by the city and 75 per cent by the G.T.R. Co.

4006. Application of the T.H. and B. Ry. Co. under sections 221, 222 and 223, for authority to construct two spurs from its easterly belt line of railway in the city of Hamilton, Ont., from a point near Stipe's Land (or Birmingham avenue) to and into the premises of D. A. McIlroy.

Order made granting application on terms set out in the judgment of the Chief Commissioner.

4007. Consideration of the matter of protection at crossing between stations of the Michigan Central Railroad Co. and the G.T.R., in the village of Bridgeburg, Ont. File 9437.895.

No order made.

4008. Consideration of the question of protection at the crossing of the G.T.R. over Hunter street in the city of Peterborough, Ont. File 9437.967.

Order made for installation of gates, 20 per cent of cost to be paid out of The Railway Grade Crossing Fund, 10 per cent to be paid by the municipality, and the remainder by the G.T.R.; 10 per cent of cost of operation and maintenance to be paid by the city of Peterborough, 90 per cent by the G.T.R. Co. Plans to be filed within 30 days. The gates to be installed by May 6, 1913.

4009. Complaint of John Mason & Son, Oakville, Ont., relative to farm crossing on lot 17, concession 3, south of Dundas street, on line of G.T.R., also application for an order requiring G.T.R. and C.N.O.R. to install cattle guards at said crossing. File 455.25.

Judgment reserved. Referred to the Board's engineer to inspect and report on.

4010. Application of the G.T.R. under sections 237 and 250, for an order authorizing it, for the purpose of conveying water from lake Ontario to its railway terminals at New Toronto, Ont., to lay and maintain an additional six-inch water main four feet below the surface of the ground across Lake Shore road, under the track of the Toronto and York Radial railway, along Sixth street and across New Toronto street, New Toronto, township of Etobicoke, Ont. File 21023.

Order made granting the application subject to the condition set forth in the order. See order 18795.

4011. Application of the corporation of the city of Toronto, Ont., under sections 237 and 238 for an order directing the C.P.R. to provide protection at the crossing of the tracks of the said company at Bartlett avenue, in the city of Toronto, by the installation of gates and watchmen, to be operated day and night, or such other protection as the Board may order. File 9437.957.

Order made that gates be installed and operated day and night, 20 per cent of cost of installation to be paid out of The Railway Grade Crossing Fund and the remainder to be divided equally between the parties interested. The cost of maintenance and operation to be paid equally by the parties interested.

4012. Consideration of the question of protection at crossing of the C.P.R. and G.T.R., over Strachan avenue, West Toronto, Ont. File 9437.942.

Referred to the Board's chief engineer to report upon.

4013. Application of the C.P.R. under section 237, for authority to construct additional track across Overend street, and five additional tracks across Water street between Tate and Front streets, for the purpose of improving Cherry street yard Toronto, Ont. File 21227.

Order made granting the application. See order 18697.

4014. Application of the corporation of the city of Toronto, Ont., under section 29, for an order rescinding or varying order of the Board No. 16842, dated June 25 1912, in so far as the said order provides that the subway at Yonge street shall be constructed with a 14-foot headway. File 9437.153.

Applicant to advise the Board within thirty days whether it will accept an order in terms stated at the close of the hearing.

4015. Application of the G.T.R. under sections 222 and 237, for authority to construct a siding and spurs therefrom from a point on its railway west of Abell street, Toronto, thence crossing certain lands of the Canadian Rumely Co., Ltd. Abell street and the G.T.R.'s proposed siding on Abell street for said Canadian Rumely Co., Ltd. and upon, along and across Sudbury street to and into the premises of the Massey-Harris Co., Ltd., north of Armour street, Toronto, Ont. File 20706.

Board decided that no order was necessary.

4016. Complaint of the Blind River Board of Trade and London Rolling Mill Co. Ltd., alleging that the C.P.R. and G.T.R. are connecting both lines unjustly and di

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criminate against the town of Blind River, Ont., by charging a higher rate on bar iron from points in Ontario than applied to Sault Ste. Marie and Port Arthur and Fort William. File 19938.

Judgment reserved.

4017. G.T. and C.P. Ry. Cos. will be required to speak to order of the Board No. 18564, dated January 24, 1913, postponing from February 10, 1913, the modification of rule 7 of the G.T.R. Special Freight Tariff, C.R.C.E. 2574, contained in Supplement No. 5 thereto; also the modification of rule 33 of the C.P.R. Local Freight Tariff, C.R.C. No. E-2141 contained in Supplement No. 9 thereto; restricting the application of stop-over privileges with respect to international lumber shipments to such shipments destined exclusively to points in the United States. File 21334.

Judgment reserved. Present practice to be continued. Effective date of modification mentioned in order No. 18564 postponed to July 1, 1913, if not otherwise dealt with by the Board before that date.

4018. Complaint of Wm. Davies Co., Ltd., of Toronto, Ont., against the proposed charge of \$1 per car or part thereof for weighing in stock scales owned by the company, as published in Canadian Pacific Railway Co.'s supplement No. 6 to C.R.C.E. 2141 and G.T.R. Co.'s supplement No. 11 to C.R.C.E. 1165. File 21369.

Canadian Freight Association undertook to withdraw the tariff complained of and to file a new tariff.

4019. Application of the city of Toronto, Ont., for an order requiring the Bell Telephone Co. to file with the Board, tariffs of tolls, applying the same tolls to the territory recently annexed to the city of Toronto, formerly known as North Toronto and Moore Park district as are now charged within the limits of the company's Toronto exchange for Toronto exchange services: the said tariffs to become effective on the date to be fixed by such order, and directing the company to charge only such tolls after said date. File 3574.74.

Order made that the Bell Telephone Co. file a tariff to become effective not later than the 1st of April, 1913, to provide that the extra mileage chargeable to North Toronto subscribers be computed from the Toronto exchange limits as they existed on the 1st of January, 1911, and that Moore Park district be given the Toronto flat rates. See order 18886.

4020. Application of the Bell Telephone Co. of Canada for approval of draft copy of proposed new connecting agreement. NOTE.—One clause of agreement to be spoken to. File 3819, Case 538.

Order made approving agreement as settled.

4021. Consideration of the question of protection at the crossing of the G.T.R. at the old McGregor side road and Gravel toll road, township of Sarnia, Ont. File 9437.637.

Order made that the Grand Trunk Railway Company install gates at the crossing: work to be completed by 1st June, 1913. Gates to be operated by a day and night watchman, and 20 per cent of the cost to be paid out of The Railway Grade Crossing Fund.

4022. Consideration of the matter of protection at the crossing of the C.P.R. over La Croix street, Chatham, Ont. File 9437.286.

Order made directing the C.P.R. Co. to install an illuminated electric bell at the said crossing, and to maintain the same at its own expense, 20 per cent of the cost of installation to be paid out of The Railway Grade Crossing Fund, and the balance by the railway company. See order 18677.

4023. Application of the O. and Q. Ry. (C.P.R.) for authority to construct a Spur and four sub-spurs from a point on the southerly side of London street and lying between Caron avenue and Salter street thence to the southerly boundary of Sandwich street, in the city of Windsor, Ont. File 19102.4.

Referred to Board's engineer to report on.

No. 4026 follows 4023.

4026. General inquiry into the tariffs of tolls of telegraph companies and the settlement of proper forms for telegraph companies to use. File 10041.2.

Judgment reserved.

4027. Application of Alexander Pilon, of Casselman, Ont., under section 226 for an order to rescind order of the Board No. 5390, dated August 13, 1908, fixing the amount to be charged by the Canadian Atlantic Railway Co. for switching and handling traffic to and from the siding mentioned in the said order. (Adjourned hearing.) File 5754, case 3484.

Judgment reserved.

4028. Consideration of the proposed recision of order of the Board No. 4988, dated July 8, 1908, known as the general interswitching order, and of the draft revise suggested by the Board at the sittings held at Ottawa, November 5, 1912, for examination and comment. File 6713, case 2846.

Judgment reserved.

4029. Application of the C.P.R. for an order directing the Richmond County Electric Co., of Richmond, P.Q., to remove wires crossing tracks of the C.P.R. at mileage 49.37 (Kingsbury) Oxford subdivision. File 9690.4.

Matter referred to the Board's electrical engineer to report on.

4030. Application of the G.T.R. for an order directing the Q.M. and S. Railway to pay such proportion of the cost of maintaining and operating the station directed to be erected by order No. 17069, dated July 19, 1912, at St. Gregoire, Que. File 19456.

Judgment reserved. Railway company to file representations in writing and to serve a copy of the same upon the G.T.R. Co.

4031. Complaint of the municipal council of the town of Greenfield Park, P.Q., relative to alleged dangerous crossing in the parish of Longueuil, by the G.T.R. over Lapiniere road. File 9437.920.

The Board will take into consideration the question of the distribution of the cost of installation and maintenance of gates required to be installed at the crossing of Lapiniere road. File 9437.920.

Order made that cost of installation of gates be borne as follows: 20 per cent out of The Railway Grade Crossing Fund, 60 per cent by the Grand Trunk Railway, 20 per cent by the three municipalities, in equal proportions; cost of operation and maintenance to be paid 70 per cent by the Grand Trunk Railway Co., 30 per cent by the said municipalities in equal proportions. See order 18824.

4032. Application of the town of Maisonneuve, P.Q., for an order directing the C.N.Q. Railway to erect a station at their crossing at La Salle avenue. File 18583.

Judgment reserved. Board to visit the locus.

4033. Application of the C.P.R., under section 178, for authority to expropriate certain lands belonging to the Franciscan Fathers, and being part of the unsubdivided portion of the lot cadastral number 1637, of the cadastral St. Antoine ward, of the city of Montreal, P.Q., said lands being required in connection with the Windsor street terminals. File 19102.5.

Stands. C.P.R. Co. to ascertain who owns the lands the company desires to expropriate.

4034. Application of the C.P.R., under section 178, for authority to expropriate certain lands, being of the F. T. Judah estate, and being part of the unsubdivided portion of Lot Cadastral No. 1627 of the Cadastral St. Antoine Ward of the city of Montreal, Que., said lands being required for the Windsor Street Terminals. File 19102.2.

Order to issue. Draft to be filed with Board initialed by the parties interested. No. 4043 follows 4034.

4043. Application of the Bell Telephone Co. of Canada for leave to construct, maintain and operate telephone lines upon, along and across certain highways within the limits of the city of Montreal, P.Q. File 20887.

Order made granting the application. See order 18863.

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4044. Application of the Marconi Wireless Telegraph Co. for an order requiring the C.P.R. Telegraph Co., to accept and transmit trans-atlantic wireless messages over its land lines. File 10041.42.

Order made that the railway company be required to accept and transmit trans-atlantic wireless messages over its land lines, connecting with the Marconi Co.'s trans-atlantic wireless station at Glace Bay and Louisburg, Cape Breton. See order 18111.

4045. Application of the Federation of the Chambers of Commerce of the Province of Quebec for an order requiring railway companies to furnish shippers of lumber with a certificate showing the gross, tare and net weights of each shipment weighed on the track scales of the company, together with the number of the car, the date of the weighing, and the name of the station where weighed. File 19556.

Judgment reserved.

4046. Application of the Montreal Light Heat and Power Co. for approval of plan showing proposed coal tower over the C.P.R. tracks opposite the N.E. $\frac{1}{2}$ of lot 1021, Lachine, P.Q.

Order to go on consent being filed.

4047. Application of the C.N.M. Tunnel and Terminal Co., Ltd., under section 167 for sanction and approval of revised location from Cathcart street to St. Antoine street Montreal, P.Q. File 18588.29.

Order made granting the application subject, however, to whatever terms the Board may subsequently fix in connection with the question of property damage. See order 18856.

4048. Application of the G.T.R. for an order directing the Q.M. and S. Ry. to pay such proportions of the cost of maintaining and operating the station directed to be erected by order No. 17069, dated July 19, 1912, at St. Gregoire, Que. File 19456.

Judgment reserved.

4049. Complaint of the municipal council of the town of Greenfield Park, P.Q., relative to alleged dangerous crossing in the parish of Longueuil, by the G.T.R., over Lapiniere road, between the towns of Greenpeld Park and St. Lambert, P.Q. Note: The Board will take into consideration the question of the distribution of the cost of installing and maintenance of gates required to be installed at the crossing of Lapiniere road. File 9437.920.

Order made providing that the cost of the installation of the gates be paid, 20 per cent out of The Railway Grade Crossing Fund, 60 per cent by the Grand Trunk Railway Co., and 20 per cent by the three municipalities in equal proportions; cost of operation to be borne, 70 per cent by the Grand Trunk Ry. Co. and 30 per cent by the said municipalities in equal proportions. See order 18824.

No. 4052 follows 4049.

4052. Application of the town of Maisonneuve, P.Q., for an order directing the C.N.Q. Ry. to erect a station at their crossing at La Salle avenue. File 18583.

Order made requiring the C.N.Q.R. to file plans by April 13, 1913, showing the location of a temporary passenger station and freight station facilities at the town of Maisonneuve, and to file plans by April 27, 1913, for a freight station. The work to be completed by July 13, 1913. See order No. 18931.

4053. Application of the C.P.R. under section 178, for authority to expropriate certain lands, being of the F. T. Judah Estate and being part of the unsubdivided portion of lot cadastral No. 1637 of the Cadastral St. Antoine ward of the city of Montreal, P.Q., said lands being required for the Windsor Street terminals. File 19102.2.

Order made granting the application.

4054. Application of the C.P.R. under sections 178 and 237 for an order: (1) authorizing it to divert the highway known as Souigny avenue, formerly Vinet street, Montreal, P.Q.; (2) authorizing it to expropriate certain lands in the parish of Longue

Pointe, county of Hochelaga, P.Q., said lands being required for such diversion. File 17716.2.

Order made on consent of parties granting the application.

4055. Application of the C.P.R. under section 237, for authority to construct its Forsyth branch over and across by means of overhead bridges, Moreau, Forsyth, Prefontaine, Dezey, St. Germain, Darling, Davidson, Cavellier, Aylwin, Joliette, Chambly, Nicolet and Valois streets, and to effect a slight revision in existing grade at Forsyth, Davidson, and St. Germain streets, all in Hochelaga ward, Montreal, P.Q., (mile 0 to mile 0.7). File 17716.1.

Order made granting the application. See order 18871.

4056. Application of John E. Molson, respecting approval of span diagrams of Iberville and DeFleurimont streets (L.J.C. and M. Ry.) in the city of Montreal, P.Q. File 14329.13.

Judgment reserved. Board's engineer to visit the locus in conjunction with the engineers of the parties interested.

4057. Application of the G.T.R. under section 222, for authority to construct two spur tracks from a point on the applicant company's railway upon or near lot 513, in St. Anns ward, Montreal, P.Q., thence extending across said lot 513 and lot 514 to and into the premises of the Ogilvie Flour Mills Co., Ltd. File 20803.

Application withdrawn.

4058. Application of the city of Montreal, P.Q., to re-open the hearing on the application of the Lachine, Jacques Cartier and Maisonneuve Ry. Co. for approval of the span diagrams at Iberville and DeFleurimont streets, in the city of Montreal, P.Q., and for a different order from that already made and bearing No. 17763. File 14329.14.

Judgment reserved. Board's engineer to visit the locus in conjunction with the engineers of the parties interested.

4059. Application of the city of Montreal, under section 250 of the Railway Act, for authority to construct a sewer under the tracks of the G.T.R. Co. at West Broadway Outlet, Notre Dame de Grace ward, P.Q. File 21178.

Order to go upon the terms of consent being filed.

4060. Application of the C.N.O.R. and C.N.M. Tunnel and Terminal Co., Ltd., for approval of plan showing details of interlocking plant at the crossing of the Jacques Cartier and Union Ry. by these two roads. File 18588.28.

Case struck off the list and referred to the Board's chief engineer.

4061. Application of the L.J.C. and M. Ry. Co., under sections 151 and 178, for authority to divert Comte and Poupart streets, in the city of Montreal, P.Q., and for authority to expropriate the necessary lands therefor, said lands being the property of Mr. John E. Molson. File 14329.10.

Judgment reserved. Board's engineer in conjunction with the engineers of the parties interested to visit the locus.

4062. Consideration of the question of protection at the crossing of the G.T.R. at the Old McGregor side road and Gravel toll road, township of Sarnia, Ont. File 9437.637.

Order made directing the Grand Trunk Ry. Co. to install gates at the crossing detailed plans to be filed by April 4, 1913, and work to be completed by June 1, 1913; gates to be operated by day and night watchmen; 20 per cent of the cost of installation to be paid out of the Railway Grade Crossing Fund. See order 18893.

4063. Complaint of the township of Romney, Ont., relative to failure of the Per Marquette Ry. Co. to rebuild station at Coatsworth, Ont. NOTE: The question of the establishment of a station at Stevenson and the rebuilding of the station at Coatsworth will be considered. File 20449.

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Board directed that a new station be erected at Coatsworth. Applicants to communicate with the railway company and the Board with regard to the plan.

4064. Consideration of the matter of protection at the crossing of the C.P.R. over La Croix street, Chatham, Ont. File 9437.286.

Order made directing the Canadian Pacific Ry. Co. to install, by May 11, an illuminated electric bell at the said crossing and to maintain it at its own expense. 20 per cent of the cost of installation to be paid out of The Railway Grade Crossing Fund and the balance by the railway company. See order 18677.

4065. Application of the O. and Q. Ry. Co. (C.P.R.) for authority to construct a spur and of four sub-spurs, from a point on the southerly side of London street and lying between Caron avenue and Salter street, thence to the southerly boundary of Sandwich street, in the city of Windsor, Ont. File 19102.4.

Judgment reserved. Board to visit the locus.

4066. Complaint of the Board of Trade, Windsor, Walkerville, and Sandwich, Ont., against the proposed increase in the rate on coal from Detroit, Mich., to Windsor and Walkerville, Ont. File 21009.

Judgment reserved.

4067. Application of the O. and Q. Ry. (C.P.R.), under section 176 for authority to expropriate certain lands originally part of road allowance between concessions 2 and 3, township of York, latterly belonging to the Sun Brick Co., these lands being required for proposed improvement of grade between the Don and Leaside Junction, Ontario. File 20671.

Application struck off.

4068. Application of the C.L.O. and W. Ry., under section 178, for authority to expropriate certain lands being composed of parts of east and west halves of lot 13, concession 7, township of Camden, Ont., said lands being required for carrying out of diversion of highway as per order of the Board No. 17361. File 3701.246.

Order made granting the application.

4069. Application of the C.N.O.R., under section 178, for authority to take portions of property of Wm. Thompson, M. McDonald, and R. Nelson, in township of Westmeath and Pembroke, Ont., for the purposes of carrying out the provisions of order of the Board No. 18218. File 3561.133.

Order made.

4070. Application of W. M. Martin, M.P., Ottawa, Ont., on behalf of the owners of lots 21 to 30, block 175, Regina, Sask., for an order directing that the C.N.R. shall acquire the said lots or take the necessary steps for such purposes, in connection with the proposed construction of spur tracks thereon. File 20863.

Order made.

4071. *Re* Flag Stations.—Railway companies are required to show cause why clause 4 of the Board's Flag Station Order No. 9160 dated January 6, 1910, should not be amended so that the average earnings referred to in line 5 of said clause be \$12,000 instead of \$15,000 as at present. File 4205, case 871.

Order to stand as issued. Railway companies to be asked to furnish certain statistical information to the Board in this connection.

4072. Application of the C.N.M.T. and T. Co., Ltd., under section 167, for sanction and approval of revised location from Cathcart street to St. Antoine street, Montreal, P.Q. File 18588.29.

Order made.

4073. Complaint of the Lethbridge Board of Trade, Lethbridge, Alta., against the cancellation by the C.N.R. Co., of tariff C.R.C. No. 729, applied between points on various railways in Eastern Canada and stations on the Alberta Ry. and Irrigation Co., now known as the Coutts and Cardston subdivision of the C.P.R. Note: The railways will be required to show cause why this tariff should not be reinstated

since it has neither been superseded or disallowed by the Board, as provided under section 338 of the Railway Act. File 20283.

4074. Application of the Canadian Freight Association for a ruling of the Board as to the proper allowance to be made from track scale weights in various commodities. File 8799.1.

Judgment reserved.

4075. Complaint of certain grain dealers in the province of Ontario as to the manner of car allotment for the loading out of grain from the C.P.R. Co.'s elevator at Port McNicoll, Ont. File 21065.

Judgment reserved until after May 1; the work in the meantime to be inspected and see what has been done.

4076. *Re* Quebec Central Railway Company.—NOTE: The Board will consider and discuss the question of its jurisdiction over this railway. File 21042.

See judgment of the Chief Commissioner, dated March 31, 1913, holding that the Quebec Central Railway Co., is subject to the Board's jurisdiction.

APPENDIX "C."

PRINCIPAL JUDGMENTS OF THE BOARD FOR THE YEAR ENDING
MARCH 31, 1913.

APPLICATION, Canadian Northern Ontario Railway Company, for approval of plan showing proposed grade separation between Avenue road and Dovercourt road, in the city of Toronto, Ontario.

APPLICATION, Canadian Northern Ontario Railway Company, under sections 158, 159, 237 and 196, for approval of amended location from Davenport to Mac-Clennan avenue, in Toronto, and for authority to cross highways and to take possession of certain lands of the Canadian Pacific Railway Company.

NOTE.—This is set down to enable the parties to speak to the terms of the Order.

APPLICATION, Corporation of the city of Toronto for an order directing the Canadian Pacific Railway Company to erect gates, or such other protection as the Board may deem proper, at Dovercourt Road crossing, Toronto, Ontario.

Oral judgment delivered by Assistant Chief Commissioner Scott at the close of the hearing, May 23, 1912.

THE ASSISTANT CHIEF COMMISSIONER: The Canadian Pacific Railway Company has for many years had a line on the level where it is now proposed to separate grades at highways. The Canadian Northern is joining them and building its line alongside on the north.

Under the law, the Canadian Northern cannot be assisted in separating grades in the construction of its lines by contribution either out of the Railway Grade Crossing Fund or by the municipality on the order of the Board. Since the amendment to the Railway Act, recently passed, new roads are prevented from benefiting in that way. The Canadian Pacific Railway is in a different position. It has been there, as I say, for many years, and when the question comes up at some future sittings, we can then decide whether and to what extent, if any, aid is to be given the Canadian Pacific Railway Company in the separation of grades at these crossings. So far as the Canadian Northern is concerned, as I have said, it can get no aid. It comes to us and says: 'We want to build this railway, and we want to spend our own money. We are providing for the separation of grades at practically all the highways crossing the northern portion of Toronto.' The Canadian Northern and the Canadian Pacific Railways agree upon a level at which they desire to place their tracks. That elevation is an elevation which permits the service of commercial industries now established along that route with sidings in a convenient manner.

The Board was anxious to see if a different elevation could not be arrived at which would permit of a subway at Ossington avenue, in addition to the other subways, and would, at the same time, provide proper facilities for the service of these industries situated along the route. Mr. Mountain has very carefully prepared a profile showing that with a couple of feet higher elevation than the elevation suggested by the railway companies, these industries could be served and Ossington avenue could be open, and we believe that Mr. Mountain's suggestion is a feasible one.

Nevertheless, we think that there is a good deal in the contention, particularly the contention of the Canadian Northern, that they should be allowed to spend their own money in the way in which they desire to do it, provided they are looking after the separation of grades along this district, and we think there is something in the contention of the industries which are situated there that, if the track is elevated as Mr. Mountain suggests, they won't have as agreeable facilities as they otherwise would. It is true that the greatest grade is, I think, three per cent to one of these industries, and there are three per cent grades into industries at other places voluntarily put in by the railway company, but there are difficulties due to the street openings in this locality, which, it must be admitted, would make it less convenient for the industries if Mr. Mountain's elevation were adopted by the Board.

We have therefore come to the conclusion, under all these circumstances, that it is our duty to accept the joint suggestion of the two railway companies, and to permit them to carry out the work on the plan they have filed, with the elevation as they suggest on their plan.

The question of Ossington avenue, I think, stands by itself. Whether Ossington avenue should be diverted or not depends largely on the commercial interests affected in that locality. There is, today, a very substantial industry, the Pease Furnace Company, established on the south side of the existing track just east of Ossington avenue, extending from Ossington avenue to Shaw street, and it is contended with a good deal of force that if Ossington avenue is opened either on the plan suggested by Mr. Mountain or on the railway companies' plan, the Pease Foundry Company would be seriously hampered in the carrying out of their work as far as railway facilities are concerned. They now have a siding reaching their property which crosses Ossington avenue on the level. Ossington avenue cannot be continued on that level because the railway companies' plan, which we now have adopted, puts the tracks some feet in the air over the level of the street as it now exists. Bearing in mind the importance of this industry, and the fact that we have Shaw street on the east and Dovercourt on the west, and a connecting street north and a connecting street to be constructed south, parallel to the tracks, for the present at any rate, we think Ossington avenue might well be diverted to Shaw street and the facilities which the Pease Foundry Company now enjoy continued. As I say, I think that Ossington avenue matter stands by itself. It is a case of setting the Pease Foundry Company off against Ossington avenue. If at some future time the traffic from the northern section demands it, Ossington avenue can be opened. The approval we are giving to-day to the railway companies' grade won't prevent Ossington avenue from being opened. Of course, the Pease Foundry Company's spur would have to be taken out, but I presume that is a matter which can be dealt with if the necessity arises, if it ever does arise. So far as to-day is concerned, we think the public would be properly served if Ossington avenue is diverted easterly to Shaw street either on the line of Warren street or Van Horn street, I am not sure which, whichever is found most convenient.

With regard to the point raised by Mr. Ballantyne for an industry—

MR. MACMURCHY: Christie street, Clark & Clark.

THE ASSISTANT CHIEF COMMISSIONER: Clark & Clark, which is north of the railway company's property and east of Christie street, the situation presents a good deal of difficulty.

The railway companies ask that the headroom in the subway be but twelve feet, and carrying out their plan the approach from the north won't run out until you get past Clark & Clark's establishment. Clark & Clark object to that, but they also ask that the headroom be fourteen feet, which would mean that the approach from the north would run out to a point still further north and they be still further damaged. I do not know which would be better for them. They appear to be the chief industry north of the track on Christie street, and the people who are most concerned in this matter.

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We are unable, with the information we have before us now, to say what headroom there should be in that subway, or just how the approach to the subway from the north should be handled. It is suggested that there might be some sort of side ramp put in, which would permit them to have access. I do not know how that would work out. The matter we are going to ask our engineer, Mr. Mountain, and the railway engineers, to look into and to go up there on the ground, get in touch with Messrs. Clark and Clark, and see if some solution cannot be worked out which will do the least possible damage to their property.

There was one other street, I think, that the railway company had marked "closed" on their plan, which we decided should be open.

Mr. MACMURCHY: Howland avenue.

THE ASSISTANT CHIEF COMMISSIONER: Howland avenue. That, it is understood, should be open.

There was one street that the municipality decided to widen subsequent to the preparation of this plan. Which is the street?

Mr. MACMURCHY: Christie, from 50 to 66 feet.

THE ASSISTANT CHIEF COMMISSIONER: We think that Christie street should be the full width of the street as widened by the city. As I say, we are leaving Christie street over to be decided later on after the engineers and Clark and Clark have had an opportunity to go over the ground; but whatever they suggest, we decide now that Christie street must be the full width of the street as widened by the city.

The question, of course, of contribution, if any, to the separation of grades, is one which will have to be dealt with in the future. It need not prevent the progress of the work. I do not know whether the parties desire us to fix a date when the work should be done, or probably the railway companies are so anxious to get on that it will not be necessary to fix a date. What do you say about that, Mr. Drayton?

Mr. DRAYTON: As I understand it, Mr. Chairman, the matter is now settled with the exception of the height of some subways, notably Christie. Of course, the objection to lower-foot subways is not confined to Christie, but runs to all. I suggest that the matter of headroom be left.

THE ASSISTANT CHIEF COMMISSIONER: Does that exist in some of the others?

Mr. DRAYTON: Yes.

THE ASSISTANT CHIEF COMMISSIONER: It won't affect the profile of the railway. It is just a question depending on whether the roadway in the subway be made lower or not.

Mr. DRAYTON: Yes. There is nothing which prevents the adoption of the profile as a profile, but in addition to the height of the subways, I take it, also, that the matter of Ossington avenue is left open.

THE ASSISTANT CHIEF COMMISSIONER: No. For the moment we decide that Ossington avenue is to be diverted to Shaw street by Howland or by Van Horne, whichever is most convenient to the city.

Mr. DRAYTON: What I would suggest in that, Mr. Chairman, is this: in view of what the Board has itself said as to the possibilities of the future, that it is rather a pity to order diversion if the diversion is not going to prove satisfactory. I think at least there should be a view of the ground by the engineer. So far as the evidence is concerned, you have got on the notes this statement by the man whose objections you are giving effect to, that is, by the gentleman who addressed you yesterday.

THE ASSISTANT CHIEF COMMISSIONER: Mr. McKinnon.

Mr. DRAYTON: At the former hearing, and I thought it was quite enough to let the matter stop at that, and I think the Chairman thought so too, only he said

THE ASSISTANT CHIEF COMMISSIONER: That is, Mr. McKinnon?

Mr. DRAYTON: Yes. He said so far as the Pease Foundry Company was concerned, it was not nearly so important a matter as the keeping open of Ossington avenue. That is his deliberate statement before the Board on the notes. That is the deliberate statement of the man whose interests you are seeking to conserve, in which

he admits that his interests are absolutely overborne by the far greater and larger public interests of those served by keeping Ossington avenue as a straight street to the north for the purpose of street car traffic. So, under the circumstances, I would suggest that the least that should be done is that that matter should be left to the engineers. It is a very much larger matter than the mere height of these subways. It will not in any way delay the work being started by the companies, nor will it delay the adoption of the profile, and in the long run it will really facilitate the work.

MR. MACMURCHY: We accept that judgment, Mr. Chairman, which provided for fourteen foot headway at Spadina road, Dovercourt and Bathurst, and the others are to be twelve feet. We are providing fourteen feet at Spadina road, because it was thought at some time in the future, with the expansion of the city, cars would turn up from Dupont street, where they are running, through Spadina, a short distance from Avenue road, and the next street used by the cars is Bathurst, and the next Dovercourt. As I said yesterday, a reference to the map of the city will show we are providing on the streets for ordinary car facilities.

THE ASSISTANT CHIEF COMMISSIONER: If there are any twelve-foot subways left, they could be made fourteen by depressing the street.

MR. MACMURCHY: They could by the city, but we want them approved as on the plan.

THE ASSISTANT CHIEF COMMISSIONER: I did not know there were any others. We will ask the engineer to look at all those twelve-foot ones, and see if he has anything to suggest.

MR. DRAYTON: I might say I can easily furnish the Board with the reference to Mr. McKinnon's evidence.

THE ASSISTANT CHIEF COMMISSIONER: We will leave the question of Ossington avenue stand as I have disposed of it. The city is not prevented bringing it up again at any future time. Perhaps they can make some arrangement with the Pease Company.

APPLICATION, Campbellford, Lake Ontario and Western Railway Company, under section 227, for authority to construct Glen Tay to Cobourg line across tracks Canadian Northern Ontario Railway, mileage 94.91 in lot 27.8. concession B township of Brighton, Ont.

Oral judgment delivered by the Assistant Chief Commissioner at the close of the hearing at Toronto, May 23, 1913:—

In this matter the Board is of the opinion that the applicant's line should parallel the Grand Trunk, as suggested by Mr. Mountain, with seventeen-foot centres instead of fifteen. That will make it perhaps a little easier to operate from a signalling point of view.

The object of the Board in ordering the applicants to change their line and as we have said is to reduce the length of the subway which carries the Canadian Northern underneath, and to reduce the length of the subway which carries the highway underneath and makes it suitable and safer for the general public.

As far as the application of Mr. Phippen is concerned for compensation for the benefit which the applicants will get by using part of the embankment which the Canadian Northern constructed for the Grand Trunk when they were diverting the Grand Trunk line in order to procure the subway which they have now there, we are of opinion that that application cannot be granted.

It is a settled transaction. The arrangement was that the Canadian Northern were to divert the Grand Trunk line, and they were to get the benefit of going underneath. They did the work and they got the benefit. It is a closed transaction. It is real no benefit to the Canadian Pacific Railway Company to order them up there; it is going to cost them more money even though they get the use of the toe of the embankment.

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ment to go there. They do not want to go there, but we think they should go there in the public interest.

Therefore, we do not entertain the application of the Canadian Northern for any contribution towards the outlay the Canadian Northern have been put to in connection with the construction of that embankment.

For any Grand Trunk land that the applicants are taking they will have to compensate the Grand Trunk by providing them with the same area of land on the other side of their right of way. So when the applicants put in a new location plan carrying out the judgment of the Board, it will be approved.

Commissioners Mills and Goodeve concurred.

Order accordingly.

C.P.R. CROSSING IN THE TOWNSHIP OF ETOBICOKE.

APPLICATION, Canadian Pacific Railway, under section 222, for authority to construct spur from a point on its Toronto to London line (Ontario and Quebec), lot 10, concession 'G,' township of Etobicoke, Ontario; thence northerly for distance of 4.55 miles to connect with Toronto to Owen Sound line (Toronto, Grey, and Bruce), in lot 11, concession 5, township of York.

APPLICATION, Canadian Pacific Railway, under section 237, for authority to construct its proposed Lambton to Weston line across and to divert certain highways in townships of York and Etobicoke, Ontario.

APPLICATION, Canadian Pacific Railway, under section 227, for authority to construct Lambton to Weston branch underneath the Toronto to Sarnia branch of the Grand Trunk railway in the village of Weston, Ontario, the said Lambton to Weston line being from lot 10, concession 'C,' township of Etobicoke, to Toronto to Owen Sound line, lot 11, concession 5, township of York, Ont.

The facts are fully set forth in the judgment.

Oral judgment delivered by Assistant Chief Commissioner Scott at the close of the hearing, May 24, 1912:—

With regard to the application of the Canadian Pacific railway to construct a connecting line in the western part of the city through the property, or chiefly through the property, represented by Mr. Home Smith.

The railway company is desirous of constructing that line to assist them in the hauling of freight cars from one line to another. At present they have to come to a point further east of the location in question, and a point of some congestion, running east and west, and then switch on to a track running approximately north and south. Their idea is to cut off two legs of this triangle by building a connecting line up, which was to be the third leg.

This is for the convenience of the railway company only. It is not suggested that it will be of any benefit to the travelling public. Of course, indirectly, it will be a benefit to the shipping public, I presume, in this way, that the railway company will be able to give them a better service, but that will be an indirect benefit. It would be no benefit to the shipping public from a financial point of view, because it is not suggested that the rates would be reduced, or anything of that kind take place. It is chiefly a matter of convenience for the railway company.

The Board usually follows the principle that a railway company desiring to take land of a private individual should be given that right, provided the individual can be properly compensated for his land and for damages to adjoining land.

In this case while Mr. Smith is in this thing as a venture, expecting to make money out of it, still the property is to my mind in a different position to that in the case of an ordinary private owner. Mr. Smith has dedicated over 100 acres of land,

we are told, to the public for the purpose of building driveways and parks. This is a very beautiful section of the country. Toronto is a growing city, and it will be a very great benefit, not only to the individual landowners, but to the whole of the people of Toronto to have these driveways and parks, and this embellishment and development in this section of the community, and I do not see that Mr. Smith, or the Toronto public who have this advantage, could be properly compensated in dollars and cents for the damage the railway company would do if their application was granted. It would be more or less problematical what might happen in the future, but bearing in mind the importance of the development that has taken place, and the settled policy and plans with which the city has concurred, and the development in that locality, we look on this as more or less a public undertaking, and we have come to the conclusion—that is, Dr. Mills and myself, Mr. Goodeve dissenting—that the application of the railway company should be refused.

It has been shown to us that the railway company can get another route, not as cheaply—it will cost them more money undoubtedly—but it is a question of expense as far as they are concerned. It is not an impossibility to secure their desired end by another way, avoiding the injury to this property that I have attempted to describe.

Therefore we have come to the conclusion that the application should be refused. Order, refusing application, issued.

BELL TELEPHONE COMPANY CROSSING CANADIAN PACIFIC AND GRAND TRUNK RAILWAYS, AT
BROCK AVENUE, TORONTO.

The Board by its orders, granted leave to the Bell Company to lay underground conduit across the tracks of the Canadian Pacific and Grand Trunk Railway Companies, at Brock avenue, in the city of Toronto. Later the city applied for a subway to be constructed at Brock avenue and an order issued directing the building of said subway. A further order issued giving the dimensions of the roadway, and later another order issued apportioning the cost. These orders affected the underground conduit, but the Bell Company complained that that Company's interests were not taken into consideration when these orders issued, and that they should be relieved of any of the costs in connection with the crossing.

Oral judgment delivered by Assistant Chief Commissioner Scott at the close of the hearing May 24, 1912:—

We are unanimously of the opinion that while the Bell Telephone Company has the right to be on the highway, still it must bear the burden of the changing of the highway when we order it for the public good. The grade separation has been ordered there, and the burden of it has, we think, been properly apportioned between the railways and the city, and it occurs now that some burden is placed on the Bell Telephone Company. Well, they will have to bear it for the public good. That is the only way to look at it. The city and the railways bear it for the public good.

Therefore, this application is refused.

Ordered accordingly.

CITY OF EDMONTON AND G. T. P. RAILWAY COMPANY.

APPLICATION of the Edmonton street railway to cross the tracks of the Grand Trunk Pacific at Twenty-first street, city of Edmonton.

Judgment, Mr. Commissioner McLean, May 27, 1912:—

The Grand Trunk Pacific in consenting to this crossing submits:

(a) That in terms of the agreement entered into between the city and the railway on March 6, 1906, under which the railway was allowed to lay its tracks on the

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street in question, the Edmonton street railway is junior at the point of crossing and should, therefore, bear the whole cost of installation, maintenance, and protection of the crossing.

(b) That under section 122 of chapter 8 of the statutes of Alberta, 1907, an application must first be submitted to the Lieutenant Governor in Council for approval of the crossing before application is made to the Board.

The first of these contentions has already been dealt with in the case decided on March 26, 1909, in which the Board held that in the matter of the city carrying its municipally owned and operated street railway along or across its own street, the street being senior to the tracks of the steam railway located at the point of crossing, under such conditions the ordinary principle of seniority did not apply. The city has a right to carry its traffic along its streets by such means as it deems fit. The street being senior at the point involved in the present application, it cannot be claimed that the municipally-owned street railway, which is one of the city's instrumentalities of carriage, is junior to the steam railway. Regarding the second point raised by the railway, it is not necessary to consider the pertinency of the provisions of the legislation referred to. What is before the Board is an application which falls squarely within section 227 of the Railway Act.

Order should therefore go for the crossing; the cost of construction, maintenance of the crossing, as well as installation and maintenance of the protection to be divided between the city and the Grand Trunk Pacific. The protection to be installed to be as recommended in the following extract from the report of the Board's chief engineer:

"I am of the opinion that the crossing should be allowed, provided a half-interlocker is installed with semaphores 500 feet distant from the diamond on the line of the steam railway and split point derails 100 feet from the diamond on each side of the lines of the electric railway. The normal condition of semaphore to be left clear for the steam railway and derails to be open for the street railway, which must come to a full stop, the conductor going ahead to the diamond, putting up the semaphore against the steam railway and closing the derails for the electric railway. After the car passes the derails, this operation is to be reversed and the electric car can proceed. The speed of the steam railway not to exceed 15 miles per hour at this point."

Assistant Chief Commissioner Scott concurred.

Order carrying out the terms of the judgment, dated June 4, 1912, issued.

The Grand Trunk Pacific Railway Company applied for leave to appeal to the Supreme Court of Canada from said order which placed half the cost of installation, maintenance and protection of the crossing at Twenty-first street on the railway company in contravention to the terms of the agreement. Leave to appeal granted.

Assistant Chief Commissioner Scott, August 30, 1912:—

The Grand Trunk Pacific Railway Company has, for a number of years had its tracks on Twenty-first street, in the city of Edmonton, and operates its trains along that street.

By an application, dated March 15, 1912, the city of Edmonton asked this Board for authority to cross the tracks of the Grand Trunk Pacific on Twenty-first street with the tracks of its municipally-owned electric street railway on Short and Nelson avenues where those avenues cross Twenty-first street.

The application of the city was granted by order No. 16,701, dated 4th June, 1912, which placed one-half of the cost of constructing and maintaining the crossing, and the devices for its protection, on the Grand Trunk Pacific Railway Company.

The railway company did not object to the crossing, but submitted to the Board before the order was issued that it should not pay any part of the cost of the work.

The Grand Trunk Pacific now in its desire to be relieved of the share of the cost of the crossing put upon it by the order, seeks leave to appeal to the Supreme Court of Canada from the order on the grounds set out in its application, dated 24th June, 1912.

Both parties were heard at some length at the sitting at Edmonton on the 24th July last.

The Board has a well-established practice, where one railway seeks to cross another, of putting the entire cost of the construction and maintenance of the crossing as well as the entire cost of the construction and maintenance of any protective device which it may order on the junior road. We have also a well-established practice of considering a municipally-owned street railway as senior to the tracks of a steam railway which a municipality seeks to cross with its street railway if the street upon which the street railway is to be operated over the steam railway was a street at the point of crossing prior to the construction of the steam railway. That is, the seniority of the street at the point of crossing is taken to give seniority to the street railway, because the operation of a street railway is but one of the many ways a municipality might carry traffic along its street.

Short and Nelson avenues are senior to the Grand Trunk Pacific railway where those avenues cross Twenty-first street. The Grand Trunk Pacific Railway Company was permitted to lay its tracks along Twenty-first street by an agreement made with the city of Edmonton, dated March 6, 1906, and confirmed by the Legislature of Alberta in 1907. (See 7 Ed. VII, cap. 36.)

By section 7 of the agreement it is provided that:

‘the company may utilize, without charge therefor, any streets required for its railway in reaching the city limits, etc.’

It is contended by the railway company that this provision should relieve it of the obligation placed upon it by the order of the Board to pay a portion of the cost of the crossing. The Board is of the opinion that it was not bound by the agreement and that even if it was so bound, the provisions of section 7 of the agreement, quoted above, do not mean that the company should be relieved of paying such expense as is placed upon it by the order. These are both questions of law, which I think the railway company might be permitted to argue before the Supreme Court of Canada.

The Grand Trunk Pacific Railway Company also urges that an order should not have been made, because at the time the application was made by the city of Edmonton the city had not complied with the provisions of some statute of the province of Alberta. We clearly had the right, under the Railway Act, to make an order for a crossing, and, if the railway company thinks the City is not complying with the provincial laws, the courts of the province are open to it to take such action as it may desire. We will not submit any question to the Supreme Court under this head.

An order may therefore go submitting the following questions to the Supreme Court:

(1) “Was the Board bound by the agreement between the city of Edmonton and the Grand Trunk Pacific Railway Company?” and

(2.) “If it was so bound, do the provisions of section 7 of the agreement mean that the railway company should not pay such expense as is placed upon it by the Board’s order?”

Order granting leave in the terms of the judgment issued.

The judgment of the Supreme Court was that both of the questions submitted should be answered in the negative, and order accordingly.

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CROSSING OF PRESTON STREET, OTTAWA, BY G.T.R.

APPLICATION, city of Ottawa, Ontario, under the Railway Act, for an order directing the Grand Trunk Railway Company to remove its tracks from Preston street, Ottawa, Ontario.

APPLICATION, Canada Atlantic Railway Company (Grand Trunk Railway) under sections 222, 237, and 59A, for authority to construct, maintain, and operate a siding for the Export Lumber Company, crossing Preston street, in the city of Ottawa, Ontario.

The facts are fully set forth in the judgment.

Oral judgment delivered by Assistant Chief Commissioner Scott at the close of hearing, June 4, 1912:—

With regard to these two matters, that is, Nos. 1 and 2: first, the application of the city to have this Grand Trunk track removed; and, second, the application of the Grand Trunk Railway Company for power to maintain tracks into the Export Lumber company's property.

We are of the opinion that the Grand Trunk spur is not legally across Preston street. Under the Railway Act, at the time the track was laid down, while the railway company may have had power to build a quarter mile section without leave from anybody, still that power was subject to the provisions of the Act with regard to the crossing of highways, and under section 187 (Acts 1888), which I referred to a moment ago, the railway company had no right to cross a highway with its tracks without first submitting a plan to the Railway Committee of the Privy Council, and it is admitted they did not do that. Therefore, they are not legally on the highway.

The city of Ottawa says that they are trying to induce the street Railway to build on Preston street, and the street railway has consented to do so provided it is not put to the expense of crossing and protection of the spur track into the Export Lumber Company's property.

We will grant the application of the Grand Trunk to legalize this track on the condition that, when the street railway is built on Preston street, the Grand Trunk be at the expense of putting in the diamonds on the tracks, and that the movements on the steam railway be limited to the time consented to by Mr. Dewar on behalf of the lumber company, that is, from 12 midnight to 5 a.m. When these movements are taking place the steam railway will have to be flagged across Preston street. A flagman will have to be stationed by the steam road on Preston street to prevent street cars, pedestrian or vehicular traffic from crossing during the time that the steam cars are approaching or passing.

No details or semaphores will be required now. They may be required at some future time if the thing develops more, when that further protection will have to be ordered, but that flagging will be sufficient for the present.

I understand there are gates now on the steam railway right of way shutting off the entrance from Preston street into the yard of the Export Lumber Company. Those gates should be maintained. The gates at each side of the highway crossing the steam tracks should be maintained by the Grand Trunk Railway. These gates to be kept closed at all times except when a movement on the steam track is to cross the highway.

That will dispose of No. 1; it will be dismissed.

Then No. 2 will be granted with the conditions I have stated.

MR. CHRYSLER: There is just one point that has not been mentioned to the Board. A source of danger which has occurred to me is the rail on the west side of Preston street, which would, if any negligence occurred on the part of the railway company in allowing cars to stand, allow a runaway car to run down the grade, and perhaps lodge on Preston street. I think there should be some provisions made for blocking

that track when it is not in use. I think that could be done so the car could be stopped.

THE ASSISTANT CHIEF COMMISSIONER: Cars running down from the west?

MR. CHRYSLER: Yes. I think from the east side it is a level grade; there is no danger of a car running away there, but coming on Preston street from the west there is a grade.

THE ASSISTANT CHIEF COMMISSIONER: Do they leave cars between the Grand Trunk railway on Preston street on that piece of track?

MR. CHRYSLER: I do not know as to the practice.

THE ASSISTANT CHIEF COMMISSIONER: How is that, Mr. Donaldson?

MR. DONALDSON: We are not doing it at present. It might be necessary for the convenience of manufactories.

THE ASSISTANT CHIEF COMMISSIONER: Is there a grade there?

MR. DONALDSON: There is a falling grade there.

THE ASSISTANT CHIEF COMMISSIONER: I suppose it would be safe practice that there should be some block there?

MR. DONALDSON: That could be easily put up by what we call a turnout switch.

MR. MOUNTAIN: A cut rail.

THE ASSISTANT CHIEF COMMISSIONER: If the railway company at any time leave cars there, they shall install this turnout switch to make it physically impossible for a car to reach Preston street.

MR. BIGGAR: Mr. Chairman, with regard to the hours limited for switching, I understand from Mr. Donaldson that it will make it practically impossible for us to operate the siding. Those hours may suit the lumber company, but they do not suit us, according to Mr. Donaldson, and if the crossing is going to be protected as you suggest, why limit us from 12 midnight to 5 in the morning?

THE ASSISTANT CHIEF COMMISSIONER: It was a question of putting in more expensive protection, I mean derails, semaphores, and interlocking devices.

MR. DONALDSON: That might develop, but in the meantime I do not think there is any probability of our using that siding more than once a day. We would like to leave that open because, in future, manufacturing and other interests might arise there, and be very valuable to us.

THE ASSISTANT CHIEF COMMISSIONER: If you want to come along there in the middle of the day with trains, you will have to protect the crossing with an interlocking plant. We thought you would not want to operate then; that is why we left it so easy. If there is going to be no time limit to prevent any chance of accident there to street cars we will have to have an interlocking device.

Commissioners Mills, McLean and Goodeve concurred.

Order, in accordance with the judgment, issued.

ALGOMA EASTERN CONNECTS WITH SOO BRANCH C.P.R. AND SPUR OF CANADIAN COPPER CO.

APPLICATION of the Algoma Eastern Railway Company, under section 227, for an order granting to the company authority to connect its lines and tracks with the lines and tracks of the Soo branch of the Canadian Pacific Railway and with the Huronian spur of the Canadian Copper Company to Turbine, lots 6 and 8, concession 1, township of Drury, Ont.

Oral judgment delivered by Assistant Chief Commissioner Scott at the close of the hearing, June 14, 1912:—

In this matter the Copper Company have a spur branching off the Canadian Pacific railway running northerly. The Algoma Eastern is building parallel to the Canadian Pacific railway and on the north side of it. It crosses this spur. The spur was built by the Copper Company, and is on the Copper Company's lands. It has

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not been used of late to any great extent. The Canadian Pacific Railway Company has left cars in there, and the Copper Company has handled them further north for their own purposes.

The suggestion of the applicants is that instead of putting in a diamond for that spur running north on the Canadian Pacific railway on the Copper Company's property that a connection be made between the Canadian Pacific railway and the Algoma Eastern, and then on the north a connection from the Algoma Eastern with the Huronian spur, all at its own expense. An agreement has been made between the Copper Company and the Algoma Eastern respecting the handling of these cars, and has been filed with the Board. The portion of the right of way of the Algoma Eastern over the spur in question has been sold by the Copper Company to the Algoma Eastern, so that this spur which is now in question is really on the Algoma Eastern right of way at the point in issue.

Under these circumstances, and bearing in mind that the Canadian Pacific could put in a spur anywhere else for its own purposes, which would be just as convenient to operate as its connection with the Copper Company, and also bearing in mind that with the connection proposed the Canadian Pacific Railway Company will still be able to do business with the Copper Company, the Board is of opinion that the application should be granted, and an order will go accordingly.

Mr. WILLIAMS: Will it be embodied in the order that they do the switching?

The ASSISTANT CHIEF COMMISSIONER: It is understood that the switching has got to be done from the Canadian Pacific Railway to the Huronian spur over the Algoma Eastern by the Algoma Eastern without any expense to the other parties.

Mr. WILLIAMS: Without any charge.

The ASSISTANT CHIEF COMMISSIONER: Without any charge to the other parties, and the applicants agree to that.

Commissioner Mills concurred. Order accordingly.

FARM CROSSING, C. T. R., TOWNSHIP OF SANDWICH EAST, ONT.

APPLICATION of Everiste Momore Richards and George H. Bennett, Windsor, Ont., for an order directing the Grand Trunk Railway Company to provide suitable farm crossing from applicants' lands to Strabane avenue, concession 1, township of Sandwich East, Ontario.

Oral judgment delivered by Assistant Chief Commissioner Scott, at the close of the hearing, June 22, 1912.

In this matter the applicant applies for a direction that a farm crossing be established, or a way in the nature of a farm crossing, a sort of continuation of Strabane avenue.

It is contended by the railway company that the applicant has a right to use Labadee's crossing, a distance away. Labadee disputes that. He has taken legal proceedings to prevent the applicant from using this crossing.

We went out there this morning and saw the layout on the ground; we saw Mr. Labadee and discussed the matter with him. He claimed very forcibly that it was his lane and his lane only, and he wants a sum, which I think is a prohibitory sum, to allow any one else to use it.

We saw that there was clearly some kind of a crossing over the railway at the continuation of Strabane avenue. We have heard the evidence of Mr. Askin, who owned the property, that there was a farm crossing at that point, which he used for years, and which he never relinquished. He says it was closed by the railway company without his leave or license, or in fact without his knowledge, until the work had been done.

We are of the opinion that Richards and Bennett should have access to their property. There is some legal doubt as to whether they have the right to use the Labadie lane or not. We are not in a position to decide that. I do not think it is incumbent upon us to do so. There clearly was a crossing at one time at the point now applied for.

Of course the parties now applying are not the same as those who enjoyed it at the time it was opened.

We are of the opinion that a crossing in the nature of a farm crossing should be given to Richards and Bennett, and we impose the condition that they do all the work at their own expense. Of course, like all other farm crossings, there must be gates, and the gates must be kept shut. The Railway Act imposes the obligation on the party who has the right to use the crossing to keep the gates shut, and to relieve the railway company from any legal liability. The applicants, Richards and Bennett, should understand that is their obligation to keep the gates shut, and that they are responsible to see that they are kept shut; and, that the railway company is not under any obligation in respect thereto.

An order will go permitting the applicants to construct a farm crossing at their own expense, and establish gates, which must be kept closed, on each side of the railway company's property.

Commissioner McLean concurred.

Ordered accordingly.

CANADIAN PACIFIC RAILWAY AND HIGHWAY CROSSINGS, WOODSTOCK, N.B.

The question of protection to be provided at the Queen street and King street crossings. Woodstock, province of New Brunswick, by the Canadian Pacific Railway, was set down for hearing and heard by the Board at the sittings held at St. John, on July 9, 1912. The railway company and town were represented at the hearing, and at its close, Assistant Chief Commissioner Scott delivered the following oral judgment:—

An order will go for the establishment of a bell at Queen street, the expense being on the railway, but twenty per cent of the cost of installation of that bell will be paid out of the railway Grade Crossing Fund.

I think it would be well for the bonding of the bell to be made shorter than the bonding of the present bell at King street. It seems to me that 1,575 feet one way and 1,110 the other is too far down, particularly when there may be shunting movements which will not cross the street in question at all, but which will cause the bell to ring and raise disturbance.

I think an improvement in the bell and in its installation can be made at Queen street. That will be covered by the detail plan to be submitted and approved of by the engineer of the Board before the bell is installed.

With regard to King street, it looks to us as if there should be gates there; but we are not satisfied yet because you have not given us sufficient information. We would like the town of Woodstock and the Canadian Pacific Railway Company, or either of them, or perhaps jointly, to station a man at the crossing for a few days and nights, and keep an account of the pedestrians and vehicles that cross the railway at King street during the day and night. After we have that information, we will be able to decide better what, in our opinion, should be placed there as the character of the protection. Then the question comes up as to whether in the event of our ordering gates there should be some contribution from the county because we are told that this bridge leads to a county road, and there are county people coming into Woodstock who use it largely. The Board has power, where an adjoining municipality is interested, to impose a portion of the cost on that municipality. It may be proper that Carleton should pay a portion of the cost of the gate if we decide on a gate being installed. We will have to reserve our decision in this matter until the parties

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send in that count, and we will have to take up with the county the question of their contribution and hear their point of view, if we decide that it is a case for protection which we usually ask a municipality to contribute towards the cost of.

COMMISSIONER MCLEAN: These estimates should cover the number and kind of train movements as well.

Mr. KETCHAM: I suppose, Your Honours would like that information as soon as possible.

THE ASSISTANT CHIEF COMMISSIONER: Yes, as soon as you can conveniently let us have it.

Order requiring installation of electric bell at Queen street issued accordingly.

CROSSING ROAD ALLOWANCE BY CANADIAN NORTHERN RAILWAY.

APPLICATION of the Canadian Northern Railway Company for permission to cross with their tracks, east and west, road allowance between sections 20 and 29, township 16, range 26, west of the 2nd meridian.

Oral judgment, delivered by Assistant Chief Commissioner Scott, at the close of the hearing, July 20, 1912:—

In this matter it appears that there is already a sub-division of lots out that way, and the street railway is running to this highway within a short distance of the point where the bridge is applied for. The highway, if it were to cross the track upon the level as the railway company desires, would have to be graded down about ten feet. It would then be in a hollow with ten-foot banks on either side. At this point the railway has a three degree curve, so that the highway running down to a level crossing with the railway on a curve makes it an exceptionally dangerous location. Bearing that in mind, and bearing in mind the fact that the territory in that location apparently is going to be developed, we are of the opinion that this opportunity should be taken for the separation of grades. The cost, we are told by our engineer, of cutting the highway down to the track level, that is, if a level crossing were approved of, is about the same as the cost of building up if a bridge were put in; so that the only additional cost in a separation of grades is the cost of the actual timbers in the bridge itself, which, bearing in mind the importance of the situation, is not sufficient to make us change our minds. We therefore recognize that the railway should build a bridge to carry its line over the highway at that point; detail plans to be sent in to the Board for our engineer's approval.

Commissioners Mills and Goodeve concurred.

Order accordingly.

REVISED LOCATION CROWSNEST BRANCH OF C. P. R. MILEAGE 15 TO 53.1.

APPLICATION of the Canadian Pacific Railway Company under sections 159 and 237, for approval of revised location of Crowsnest branch between Seven Persons and Brassy Lake, mileage 15 to 53.1, Lethbridge sub-division of said branch; also for authority to construct line across highways between the above-mentioned mileages.

Oral judgment delivered by Assistant Chief Commissioner Scott at the close of the hearing, July 25, 1912:—

An order can go approving of the location as asked, with these conditions: That the arrangement made with the Minister of Railways be carried out; that is, that the parties having lots in the old location be supplied with similar lots in the new location, and that the buildings of those at the old location be moved to the new location by the railway company at its expense, or, in the alternative, that the rail-

way company have the right of refusing to move the buildings and instead compensate the man for the loss of his building. If an arrangement cannot be made in each case, we will appoint some one as an arbitrator to go there and decide what is a fair arrangement to be made.

How long will it take you to carry that arrangement out?

Mr. SUTHERLAND: We have just got the approval of the plans. It is too late to start work this fall, and in fact we have no appropriation. We hope to start that work next spring. We will open the other line before we close this one, and they don't want their buildings moved until the line is closed.

THE ASSISTANT CHIEF COMMISSIONER: We will not fix a time, then, but the parties will notify the Board if the railway company does not carry out this arrangement in due time, and we will see that it is carried out.

Mr. SULLIVAN: This is with regard to the people who are there now? We do not want people to rush in there.

THE ASSISTANT CHIEF COMMISSIONER: This applies only to those who have vested rights there in Whitla. Anyone going there goes there at his peril, and will get no consideration whatever.

Commissioner Mills and Goodeve concurred.

Order issued approving the revised location, based upon the undertaking of the company to furnish the owners of lots in the present location, at Whitla, with lots free of charge in the new townsite, and the undertaking on the part of the Government to close the highway adjoining the western boundary of section 31, and divert the same

SPRUCE AVENUE CROSSING, EDMONTON.

APPLICATION of the Grand Trunk Pacific Railway Company, under section 56, subsection 3, for leave to appeal to the Supreme Court of Canada, from order No. 16700, dated June 1, 1912, in *re* Grand Trunk Pacific Railway crossing at Spruce avenue, Edmonton, Alta.

Oral judgment delivered by Assistant Chief Commissioner Scott at the close of the hearing, July 24, 1912:—

In this matter Mr. McLean put this memorandum on the file:—

"Spruce avenue having been registered on the 4th day of June, 1907, and the plan of the right of way of the Grand Trunk Railway Company having not been registered until the 29th August, 1907, it is manifest that Spruce street is senior. The order for the crossing should go and the same principle be applied in this case as in the application under file No. 19435, namely, that the cost of construction and maintenance of the crossing, as well as the installation and maintenance of the protection, should be divided between the city and the Grand Trunk Pacific Railway Company."

and then it was on the recommendation of the chief engineer of the Board, Mr. Mount, that that protection was put in the order.

Now the Grand Trunk Pacific Railway Company applies for an order for leave to appeal to the Supreme Court. I do not see that there is any point of law raised by the Grand Trunk Pacific which would warrant us in asking the Supreme Court to consider this matter, and the application is therefore refused.

Commissioners Mills and Goodeve concurred.

Order issued dismissing application.

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APPLICATION of Bradford and Taylor, Vancouver, B.C., for an order directing the Great Northern Railway Company to construct a spur to their saw-mill in district lot 10, Burnaby, British Columbia.

The facts are fully set forth in the judgment.

Oral judgment delivered by Assistant Chief Commissioner Scott at the close of the hearing July 27, 1912:

In this matter the applicants, before constructing their mill, applied to the railway company to know what facilities they could get in the way of a spur. No contract was made between the railway company and the applicants that they would get the spur, but the applicants, by the correspondence and by the interviews they had with the railway company, were led to believe that they would get the spur, and they say because of that they constructed their mill. The railway company now refuse to put in the spur.

Under section 226 of the Railway Act, under such circumstances, the Board, on the application of the owner and upon being satisfied of the necessity for such spur or branch line in the interests of trade, may order it to be constructed on certain conditions.

We are told that the applicant's mill will probably ship about seventy-five carloads of lumber a year. That is sufficient in the interest of trade to warrant us in ordering this spur.

We are induced to take the position we do because of the negotiation which went on and which led the applicants constructing their mill, believing they would get this facility.

The railway company's objection is that it is another break in the main line. That is an objection we often hear from railway companies, and I have no doubt there is something in it, but they have a break in their main line about a mile one way and about a half a mile the other way. In operating, they have those in mind, and we cannot see that an additional break in the main line is going to make it so dangerous that we would not be warranted in carrying out the requirements of the Act.

An order will go as asked for the construction of the spur, upon condition that the applicants first put up a sufficient sum of money to pay for the entire cost; the money to be deposited in a chartered bank of Canada to the credit of the Board, to be paid over by us to the railway company upon completion of the work; the amount required or amount paid over to be paid back by the railway company to the applicants in rebates pursuant to the provisions of section 226, which will be set out in the order.

What amount, Mr. MacNeill, will be required to be deposited? Two or three hundred dollars?

Mr. MACNEILL: There is a change of line under consideration at present time which will make it extremely awkward to do anything.

The ASSISTANT CHIEF COMMISSIONER: What is the cost?

Mr. MACNEILL: About \$350.

The ASSISTANT CHIEF COMMISSIONER: The order will be that the applicants deposit \$350 to the credit of the Board in some chartered bank of Canada, and after the money being deposited and the order issued, the railway company will construct a siding within thirty days.

Commissioners Mills and Goodeve concurred.

Order made directing the Vancouver, Victoria and Eastern Railway and Navigation Company to construct a spur to the applicant's property, Burnaby, British Columbia; the work to be completed within thirty days; and the applicants to deposit the sum of \$350 to the credit of the Board, in a chartered bank.

EASTERN RAILWAY STREET CROSSINGS, VANCOUVER, B.C.

APPLICATION of the city of Vancouver, B.C., for an order allowing and directing the construction of highways on Hastings street, Pender street, Keefer street, and Harris street, by way of overhead bridges or viaducts over the railway of the Vancouver, Victoria and Eastern Railway and Navigation Company at its intersection of said streets, for the costs of such construction and maintenance of same.

Oral judgment, delivered by Assistant Chief Commissioner Scott, at the close of the hearing, July 29, 1912:—

In this matter the Board is of the opinion that the application should be granted for the approval of grade separation at these four streets, Hastings, Pender, Keefer and Harris.

It was suggested that perhaps one of the streets, or perhaps two of them, might be closed and grades separated at the others. But bearing in mind the marvellous—I think that is not too exaggerated a word—the marvellous growth of Vancouver, it is perhaps wisest at this stage to decide to keep the whole four streets open. And bearing in mind the fact that there will have to be some depression in the tracks of the Great Northern and bearing in mind the facts that land values are increasing, it is better that the four of them should be done at once rather than that the work be done piecemeal. Therefore, having decided that much, it is incumbent on us to say in what proportions the cost shall be borne by the interested parties.

First of all, dealing with Pender and Keefer streets, these are streets which are not used by the British Columbia Electric Railway, and the only parties interested are the city and the Great Northern Railway. It appears that after the streets were laid out the Great Northern put a track across the streets, and subsequently, in 1910, they got permission from the Board to lay two more tracks. The order in that case was No. 12403 and dated on the 6th of September, 1910. Clause two of that order was as follows:—

“That owing to the low-lying nature of the ground through which the said tracks were run, and the probable necessity in future of carrying the said streets or some of them over the said tracks, all questions relating to the separation of grades and the distribution of the cost thereof are hereby reserved.”

Now, it is quite clear from that order that the railway company went there with its two additional tracks bearing in mind that the question of grade separation would come up and that it would undoubtedly be called upon to pay a substantial share of separating the grades at those streets. The advent of the Great Northern is undoubtedly of substantial benefit to Vancouver. No one denies that. These tracks are not for passenger purposes but to get down to the water front. That is an undoubted advantage to Vancouver to have the railway facilities of the Great Northern at the water front more or less in competition with the other railway that is there.

Bearing all these facts in mind, we have come to the conclusion with regard to those two streets upon which the British Columbia Electric Railway does not run that the cost should be divided as follows:—

First, we will give as much as we can give out of the Railway Grade Crossing Fund as a contribution towards the separation of grades. The Railway Grade Crossing Fund is a fund established by Parliament some years ago to assist in the separation of grades and highway crossings. That Act has some limitations, and we are not permitted to give more than twenty per cent of the total cost of the work for any one crossing, and the amount of the contribution for any one crossing shall not exceed \$5,000. So that in this case it is rather small. A further limitation is that that contribution can only be made for three highways in one municipality in one year. At Pender and Keefer streets we will give \$5,000 contributions each out of the Railway

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Grade Crossing Fund, and we think that the balance should be paid, 25 per cent by the city and 75 per cent by the railway company.

At the other two streets, Hastings and Harris, all that I have said with regard to the history of the crossings at Pender and Keefer also applies. The circumstance of Hastings and Harris which does not coincide with the other streets, is that the British Columbia Electric Railway crosses the steam railway at both these streets. It appears that the British Columbia Electric was some few years prior to the Great Northern with its track at Hastings, but it is said that the tracks were not connected up but were merely laid across.

It appears from the statements handed in by the Great Northern, which are not disputed by anyone, that there is considerable street railway travel at those streets. Take, for instance, Hastings between 8.30 a.m. and 6 p.m., 111 cars; and 8.15 a.m. and 6 p.m., 120 cars. The average is that at Hastings the street cars pass every five minutes and at Harris every $4\frac{1}{2}$ minutes, showing a substantial travel over these two streets by the British Columbia Electric.

The British Columbia Electric Railway Company was not originally served, but their counsel came forward and said they were aware of what was going on and he waived the lack of notice. If they stood on their technical rights, it would only have meant a delay of a couple of weeks until they were given notice, so I think it is in the interest of all concerned that he should have waived the lack of notice and gone on as he did.

In the operation of their cars, the British Columbia Electric now find three tracks of the Great Northern crossing these two streets. These three tracks of the Great Northern are legally there. Without the intervention of this Board, the British Columbia Electric can do nothing to get rid of these tracks. They have to stop their cars; their conductor has to go forward and give a signal, and then, if the track is clear, they proceed. In addition to that delay in stopping in that way there is the danger of their passengers being killed by an accident occurring at this level crossing. It will, undoubtedly be a very substantial benefit to the British Columbia Electric to have this danger removed, and to have this delay in their operation removed by the construction of these bridges. It being a substantial benefit to them, we are of the opinion that they should contribute to the cost of the two bridges which they will use. That is the bridges at Hastings and at Harris. Unfortunately we cannot give the \$5,000 out of Grade Crossing Fund to both of these streets, because the Act limits us to a contribution to three streets in one year in any municipality. Therefore, we will say at Harris street we will give \$5,000 out of the Railway Grade Crossing Fund and the balance to be divided, 20 per cent to the city, 20 per cent to the British Columbia Electric, and 60 per cent to the Great Northern. That same contribution will apply at Hastings, except that, as I have already said, we cannot give the \$5,000 out of the Railway Grade Crossing Fund.

With regard to the cost of the depression of the tracks of the Great Northern necessary for this work, we think that that cost should be counted in with the cost of the bridges in addition to the land damages. So that in estimating the cost of the work upon which the percentages will be based, the cost of depressing the Great Northern tracks will be included. Any disputes will have to be settled by the engineer of the Board. Detailed plans of each crossing to be submitted for the approval of the engineer of the Board.

Mr. MACNEILL.—I take it that as to land damages the railway company will be in the same position as a private owner.

The ASSISTANT CHIEF COMMISSIONER.—If you own lands apart from your right of way.

Mr. MACNEILL.—It is irregular. In some places more lands were got than are actually occupied by the tracks and they are utilized by industries.

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THE ASSISTANT CHIEF COMMISSIONER.—Land damages to your right of way should not be included, but land damages to land that you hold other than your right of way might be included. I suppose the city does not want it stated when this work is to be begun? If you have to submit your by-law to the people.

MR. HAY.—We will submit our by-law in January. That is the first time we can submit it.

ASSISTANT CHIEF COMMISSIONER.—We will make no order as to the time when it shall commence or when the work shall be completed. The city being chiefly interested in the matter, we presume that they will act with due diligence.

MR. HAY.—Permission being given to the city to construct?

THE ASSISTANT CHIEF COMMISSIONER.—Yes.

Order in accordance with the terms of the judgment issued, and the British Columbia Electric Railway Company appealed to the Supreme Court of Canada from the said order, questioning the power of the Board to hear the application and give the relief asked for by the municipality with respect to the bridge and to assess the cost upon the parties interested.

The appeal was dismissed with costs, a majority of the Court holding that the Board had the power to make the order complained against.

THE NIAGARA, ST. CATHARINES AND TORONTO RAILWAY CROSSING GRAND TRUNK RAILWAY,
WELLAND AVENUE, IN THE CITY OF ST. CATHARINES.

APPLICATION of the Niagara, St. Catharines and Toronto Railway Company, applied under section 227 of the Railway Act, for authority to cross with its tracks the tracks of the Grand Trunk Railway Company on Welland Avenue, in the city of St. Catharines. A hearing was had, evidence taken, and a statement filed by the Grand Trunk showing the traffic over Welland avenue.

Judgment, Chief Commissioner Drayton, October 11, 1912:—

At the hearing, and from a scrutiny of the plan, it seems to me that it would be entirely improper to allow a crossing of the Grand Trunk tracks by the Niagara Central at the point sought. This plan disclosed a crossing of some five tracks of the steam railway at grade, bisecting the company's yard. The location of the Niagara, St. Catharines and Toronto railway, however, was not only urged by the company, but, also strongly by the city's representatives. The Board's engineer has since made a careful survey of the situation, and it appears that the other points of crossing suggested by the Grand Trunk are either subject to just as great if not greater danger, or necessitated the construction of the railway on such narrow streets as to be entirely inadvisable from a public standpoint. The Board has therefore to consider whether this crossing should be allowed or no crossing permitted along the line of the present location in St. Catharines.

The Board's engineer reports that, with the exception of the fruit season, little or no use is made by the Grand Trunk of its apparently extended facilities at this point: and that the rail movement is confined strictly to shunting or stub-end movements, and at this point is slow and under immediate control.

Under the circumstances, an order will go. It will be necessary, however, that details be installed on each side of the crossing, seventy-five feet from the nearest track, interlocked with semaphore on Grand Trunk track, to be operated by the conductor of the electric car; detail of plan of said half-interlocker to be submitted for approval by an engineer of the Board, the whole, with future maintenance, to be at the expense of the applicant company.

Commissioners Mills and McLean concurred.

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CITY OF ST. THOMAS AND MICHIGAN CENTRAL RY. CO.

APPLICATION of the corporation of the city of St. Thomas, Ontario, for an order permitting it to construct its street railway across the right of way and tracks of the Michigan Central Railway Company at grade, on William street in the said city.

The facts are fully set out in the judgment of Mr. Commissioner Mills.

Judgment, Commissioner Mills, October 25, 1912:—

This application was made on the third day of June, 1912, and it was heard at sittings of the Board in Toronto, commencing on the 26th day of September, 1912. The locality was subsequently inspected by two members of the Board, and the case now stands for final action.

William street extends north from Wellington street to Talbot street, crossing the Michigan Central railway one block south of the latter street. It is open across the said railway, properly planked, and now used for vehicular and pedestrian traffic. Centre street is immediately south of the Michigan Central, and parallel with it, running east and west, about thirty-two feet distant from the nearest track; and there is a subway under the Michigan Central tracks at the west end of Centre street, 1,750 feet west of William street.

The St. Thomas street railway runs north along William street, from the southern portion of the city to Centre street, where it turns west along Centre street to the said subway and then back east along Talbot street to the north end of William street, going two-thirds of a mile out of its way every trip to and from the northern part of the city, where, it appears, a large number of men are employed in the Père Marquette shops, the Broom and Woodenware factory, the Still Handle factory, the Pork Packing factory, and the Canning factory, as well as in the stores and other business places along Talbot street, from William street on the west to the London and Port Stanley railway on the east.

The city alleges that the going round the loop, two-thirds of a mile out of its way every trip, seriously interferes with the financial success of its street railway; that many people who have to go only a comparatively short distance north or south, across the Michigan Central railway, decided to walk rather than take a street car round the loop; and that the compulsory diversion from William street is an inconvenience and annoyance to many citizens in the northern and southern parts of the city.

Therefore, the city, by vote of the ratepayers and a resolution of the City Council, had appealed to the Board for an order permitting it to continue its street railway along William street, across the Michigan Central tracks, laying it one block further north, in order to reach Talbot street without going round the loop.

The owners of certain properties on Centre and Talbot streets, fronting on the loop, with sympathizers and others in different parts of the city, to the number of 177, men and women, petitioned against the proposed change of route, on grounds, real and sensible, to the effect that it would increase the danger at the crossing on William street; would interfere with farmers driving to a small market place on the west side of William street, immediately north of the M.C.R. right of way; and would involve the city in a considerable (perhaps a large) expenditure—all without any benefit in either time or money to the street railway, adding that long freight trains which, at the usual rate of speed through the city, take about five minutes to pass a given point, and prove a greater hindrance to street railway traffic than the loop in question.

The Michigan Central Railway Company also, very courteously but strongly, objected to the proposed crossing, chiefly for the same reasons as those given by the petitioners above mentioned, emphasizing especially the danger and the cost involved, while maintaining that, if the crossings were made, it would be no benefit to the street railway, and that consequently the city's application should not be granted.

The danger is always the most difficult problem in connection with the crossings of railways over highways at grade or rail level. The question arises whenever a railway company applies for permission to construct a track at grade, through a city, town, village, or country district. Every such crossing over a street or highway increases the danger of the travelling public; and yet our country has allowed thousands of such crossings, in the public interest, and will continue to allow them, until such time as the country is able to provide for a separation of grades at all railway crossings, or willing to pay such passenger fares and freight rates as will enable railway companies to make such a separation at all points.

In like manner, whenever a city, town, village, or rural municipality opens a street or highway, or constructs a street railway, across a steam railway, at grade, it increases the danger to the travelling public; nevertheless many such crossings have been authorized and must continue to be authorized, so long as the public interest demands them, a city or other municipality having as good a right as a railway company in all such cases.

Further, when a railway company has secured its right of way, it has therein certain rights which must not be ignored. It has the right to lay tracks and sidings thereon; which right it exercises almost *ad libitum*; and it never hesitates to press for permission to cross streets, at grade or otherwise, as it thinks proper, when constructing additional main line, siding, or branch line tracks; and it should not be forgotten that municipalities, likewise, have certain rights as to the use of their streets and highways; and these rights should not be overlooked or lightly disregarded.

No doubt there often is ground for difference of opinion as to what the public interest is in a particular instance. In this case, the city of St. Thomas, after openly and legally consulting the people—the public in that locality—has applied to the Board for permission to construct its street railway across the Michigan Central railway, at grade, on one of its streets, claiming the right to make such crossing on the ground of public interest and convenience, while the Michigan Central Railway Company and certain petitioners allege that the public using the streets of St. Thomas would not be benefited financially or in any other way by the proposed crossing; so the Board has to weigh the evidence and arguments for and against.

Whether or not the crossing in question would prove financially helpful to the St. Thomas street railway is a matter of opinion. The affirmative opinion of the city was formed, not hurriedly, but after consultation and apparently due consideration by the people and their official representatives; and, for that reason, I feel myself in duty bound to consider it at least as likely to be correct as the opinion of any other of the parties interested in the case. It is no doubt true that the street cars would sometimes be held up by the passing of long Michigan Central freight trains over the William street crossing, as vehicular and pedestrian traffic is now held at that point, for, say, five minutes at a time; but such interruptions are not regular but occasional, whereas the delays caused by running round the loop are constant, affecting every trip made by the Electric railway.

It was suggested that a subway might be constructed under the Michigan Central railway tracks on William street; but the cost of that method of crossing would, I think, be prohibitive, on account of the position of Centre street, which, as stated above, is parallel to the Michigan Central railway and so close that it would add directly to the cost of the subway, and would involve land damages east and west of the crossing, in addition to the damages on William street. I think, therefore, that the idea of a subway at that point may as well be abandoned for the present at least, but it happens that all Michigan Central Railway trains pass through St. Thomas under strict control and at a comparatively low rate of speed; so, with derails on the street railway and home and distant signals on the steam railway, all properly connected with the block system of the latter and operated by the street railway, it would be practically impossible for an accident to occur at the crossing.

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Therefore, in view of the evidence, arguments, and circumstances, including the fact that William street is already open across the Michigan Central and regularly used for vehicular and pedestrian traffic, my opinion is that the city of St. Thomas should be permitted to construct its street railway across the right of way and tracks of the Michigan Central railway on William street in the said city; plans showing the installation and the method of protection to be submitted for approval by the chief engineer of the Board; the long market-shed west of William street and north of the Michigan Central railway to be moved by the city, at its own expense, to the north or west side of the market square, in order to improve the view at the crossings; and the expense of the construction and maintenance of the crossing and the appliances connected therewith to be borne and paid jointly by the city of St. Thomas and the Michigan Central Railway Company, one-half by each, the city being senior as regards the street and junior as regards its railway.

Judgment, Commissioner McLean, October 30, 1912:—

In this matter I expressed an opinion at the hearing that the situation should be looked after by a subway. The ideal solution of the Michigan Central location at St. Thomas would undoubtedly be grade separation throughout. As to the William street crossing I am now satisfied that I did not give sufficient weight to the complication created by the location of Centre street and the additional burden of cost this would add.

I therefore agree in the recommendations of Commissioner Mills without expressing any opinion as to the obligations, if any, arising from the street railway being junior at the proposed point of crossing to the Michigan Central.

Judgment, Chief Commissioner Drayton, January 6, 1913:—

I have had the advantage of reading the considered judgment of Mr. Commissioner Mills in this case. I entirely agree with the general principles which he lays down. Certainly, municipalities have as great a right as railway companies to have granted to them, on their application, level crossings. I would go further and say that their rights, being rights which they exercise as a general thing in the interests of the public and apart from any selfish reason, are higher and should be more readily given effect to than those of the railway companies. My only difficulty here is in the application of the principle. If this present application was being made by an electrical railway company, I would, without hesitation, refuse it on the ground that, with the subways already in existence, it is entirely unnecessary to add to the dangers of the present level crossing by adding to its burden street railway operation.

The facts are very simple and allow of no dispute. Mr. Doherty states that, operating through the subway at Pleasant street, as now constructed, three thousand four hundred feet is travelled in making the loop; while, if the present application is granted, and the railway constructed across the Michigan Central tracks, the distance from point to point is but four hundred feet; so that a saving of three thousand feet in distance when the cars run will be made in the street car system in operating over the grade crossing on William street.

The unit cost of street operation in St. Thomas is not given; but from the evidence I have heard in other matters, it may be said to vary from fourteen to twenty cents per car mile; and placing it at twenty-four cents, which, perhaps, would not be unreasonable in a small system, there would be a saving made of eight cents in each run by each car.

In addition to this there is a further argument made by Mr. Doherty, more or less problematical, that greater earnings can be had from the street car system if the run is made more direct.

If an incorporated company was asking for this crossing merely to get rid of a comparatively short distance of unproductive mileage, with the possibility of increasing its dividends, I am quite convinced that no answer whatever would have to be made to the application. It would be and should be refused.

It is a mistake to think that, simply because there is now a level crossing, there is no objection to the use of that crossing by street carriers. A street car, like a steam railway, has to be operated on a given line. Its operation is always carried on subject not only to the danger of ordinary traffic, but to the added dangers of being unable to change its course, and the possibility—indeed, the almost certainty—of trouble from greasy rails. There is no comparison of the danger to which an individual is subject to in walking over a railway crossing, on the one hand, and that he is exposed to as being a passenger in an electric car crossing it, on the other.

In my view, the application should be refused; but as Mr. Commissioner McLean agrees with Commissioner Mills, the usual order will go for a level crossing, protected with details, plans of which are to be submitted to the Board's engineer for approval; the cost of the work to be apportioned as in the Edmonton case; that is, the city will pay for its own construction, its own rails and other work, and the diamonds; but the cost of protection, that is, the installation of the interlocking plant, its maintenance and operation, to be borne equally by the city and the railway company.

I perhaps should mention the legal matter raised by Mr. Torrance. Mr. Torrance pointed out that when the Ross street subway was ordered, there was also an application for a subway at William street; that the William street subway was withdrawn as a term to the order under which the Ross street subway was built and that the city is stopped in the present application. As intimated in the argument, in my view, no estopped whatever was created. The action taken was the action of the Board; and the municipality now has the right to make the application under the changed conditions now existing, as it now does, irrespective entirely of anything which happened in connection with the Ross street subway.

ST. JOHN AND QUEBEC RAILWAY CROSSING CANADIAN PACIFIC RAILWAY NORTH OF
MCADAM JUNCTION.

Application of the St. John and Quebec Railway Company, under sections 227 and 229, for authority to erect, maintain, and operate a crossing over the Canadian Pacific railway at a point between the 49th and 50th miles, north of McAdam Junction, on the north section of the Atlantic division of said railway, and to allow of the St. John and Quebec Railway to connect its tracks temporarily with those of the Canadian Pacific railway near stations 2696 and 2593 (C.P.R. location) for the interchange or transfer of traffic.

Oral judgment delivered by Chief Commissioner Drayton at the close of the hearing, October 29, 1912:—

An order will go granting the application in this case. In crossing the right of way of another steam railway the company that is building an over-crossing has the onus thrown on it of putting its abutments in such a position that a double track can be built by the senior line. Sometimes the extra space is not used, as the junior line occasionally takes chances, allowing for only one track. But it is always understood that if the senior company requires it, the junior company will, at its own expense, provide room for a double track, whenever it is required, in order that the senior company can utilize its own right of way.

Mr. Thompson, I presume you know what your company proposes to do. I should think that it would be better to leave sufficient room now.

Mr. Thompson.—I would make this exception to that, Mr. C. If they build another line, they will cut out this lower grade to Quebec Junction, and the line will be lower.

The CHIEF COMMISSIONER.—So you will be at no risk.

Mr. BEATTY.—It is only the line on our original right of way that the Chief is referring to.

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Mr. LEONARD.—Only the property covered by the right of way you cross over.

The CHIEF COMMISSIONER.—You have always to give the senior company two tracks on its own right of way, if it wants them.

Mr. GRIMMER.—I do not think the C.P.R. has room here.

The CHIEF COMMISSIONER.—The order will be made on the usual terms. Anything further?

Mr. THOMPSON.—We want to make two temporary connections for construction purposes.

Mr. LEONARD.—The application is for a temporary connection only.

Mr. BEATTY.—You mean for the interchange of construction material?

Mr. THOMPSON.—Yes, it can be only for that.

The CHIEF COMMISSIONER.—There can be no objection to that; but the connection will have to be made according to the grades; the applicant will have to work to C.P.R. grades.

Mr. THOMPSON.—The grades are satisfactory, are they?

Mr. BEATTY.—What do those grades show?

The CHIEF COMMISSIONER.—Mr. Thompson says he does not propose to interfere with your grades.

Mr. LEONARD.—But their grades running down to us may be too steep.

The CHIEF COMMISSIONER.—What approach can you get?

Mr. THOMPSON.—Level for 1,000 feet south and for 600 feet north.

The CHIEF COMMISSIONER.—Then, the order will go for the temporary connections, for construction purposes. The plans to be submitted to the C.P.R. before the work is done.

Mr. LEONARD.—And if necessary to have switchmen there, they are to stand the expense?

The CHIEF COMMISSIONER.—If our engineer thinks that is necessary.

Mr. LEONARD.—It is breaking the main line between stations.

The CHIEF COMMISSIONER.—Quite so.

Commissioners Mills and Goodeve concurred.

Order made, granting application.

CANADIAN NORTHERN LOCATION THROUGH NORTH BAY.

The facts are fully set forth in the judgment.

Judgment, Assistant Chief Commissioner Scott, October 30, 1912:—

By its application dated 28th March last the Railway Company seeks the approval of the Board to the location of its railway through the town of North Bay. Several objections were raised by the Board from individual landowners affected by the proposed location, and a sitting was held at North Bay on the 14th June last when all parties were heard at considerable length. While the location of the railway as shown on the plan would have some beneficial features about it, such as reasonable proximity to the business portion of the town and separation of grades at a number of highway crossings, still it was realized by the Board that considerable damage would be done to some interests if the location applied for was approved.

The Board, after the hearing, sent its engineer to North Bay to see if a suitable location farther northeast than that applied for by the railway company could not be found which would reasonably serve the town; and, after going into the matter thoroughly on the ground, our engineer reported that it was impracticable. The Board then endeavoured to bring about an arrangement whereby the Canadian Northern should have running rights over the tracks of the Canadian Pacific railway through North Bay and thus avoid the cutting up of the town by the tracks of the Canadian Northern, as would be done were its location plans approved of.

A special sitting was held at Ottawa on the 22nd August last at which both companies were represented, to see if the suggestion of the Board that some arrangement for the use of the Canadian Pacific Railway Company's tracks by the Canadian Northern could not be arrived at; but, after hearing both companies the Board came to the conclusion that that scheme was impracticable. Considerable delay to the Canadian Northern Railway Company has necessarily occurred in this matter by our endeavouring to find the best way for that company to reach North Bay with its tracks and still do the least inconvenience possible to the residents of that municipality. It is recognized by all that whatever inconvenience there may be, and of course there is always more or less inconvenience to individual landowners in the location of a railway, the advent of the Canadian Northern to North Bay will be of very substantial benefit to it.

Bearing all this in mind, therefore, the Board has come to the conclusion that with some slight modifications, the application of the railway company for the approval of its location plan should be granted, and the parties should be left to their rights for damages for land taken or injuriously affected, under the Railway Act.

One of the chief objectors to the location as asked by the railway company is His Lordship Bishop Scollard, the Bishop of Sault Ste. Marie. Prior to the location of the railway he was instrumental in the securing of a block of land on the east side of Third avenue, between John and Metcalfe streets, for school and other purposes. I think that the contention of His Lordship that the block in question will be materially injured, for the purposes for which it was acquired, is well founded. It appears that originally the intention of the railway company, was to run its line through the western portion of the block, but that subsequently a deviation was made so that the railway would pass just west of the property in question without taking any portion of it, and I am told by one of the Board's engineers that this deviation will be more expensive to the railway company than the original location through the block in question. Under these circumstances, it appears to me a fairer arrangement would be for the railway company to adopt its original location through the block in question and thereby render itself liable under the Railway Act to compensate the landowner for the injury done, and I think the plan should be amended accordingly.

Another piece of property held for educational purpose which may also be injured is the property on the west side of Klock avenue and north of Jane street, which is known as the high school property. As the line of the railway as shown on its location plan crosses through the northern portion of this property, the high school authorities will have a right to compensation, if any, under the provisions of the Railway Act.

A handsome Normal School has recently been built in North Bay by the Ontario Government and it was contended that the noise from the operation of the trains, particularly if a station was established in the neighbourhood of the Normal school, would be of considerable inconvenience to the teachers and pupils in that institution. It has been suggested that some limitation be made in the order approving of the location of the railway with regard to the use of the proposed station so that the inconvenience caused by the noise would be minimized as much as possible. It is always open to the Board to make regulations respecting the operation of trains and the movement of traffic in and about a railway station.

In this case our chief engineer suggests that the proposed railway station be used only for local business, and that there be no shunting or making up of trains in the company's yard at that point. In order to be more definite we may say that no shunting or making up of trains is to take place on the line approved between Front street and Fisher street. This includes an area of three blocks each way from the Normal School, and should materially lessen the inconvenience which otherwise would be caused to the occupants of the said school.

It may also be well to note, before finally disposing of this matter, that both the Municipal Council and the Board of Trade of North Bay are in favour of granting the application of the railway company.

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I therefore think that an order may go approving of the plans with the modification which I have suggested.

Commissioner Mills concurred.

CANADIAN NORTHERN CUT-OFF THROUGH RIVER PARK, WINNIPEG, MAN.

The facts are fully set forth in the judgment.

Judgment, Assistant Chief Commissioner Scott, October 31, 1912:—

This application of the Canadian Northern Railway Company for permission to construct a cut-off through the city of Winnipeg to connect its Fort Rouge yards with its Eastern yards was first heard at a sitting of the Board in Winnipeg on the 6th of August last. It was again before the Board at Ottawa on the 27th September last, when the evidence of Mr. Tye, an engineer employed by those opposed to the application, was submitted to the Board and further argument of counsel heard.

The object of the cut-off is to enable the railway company to carry its through freight past Winnipeg without having to haul it through its Winnipeg terminals. The Board has been aware for some time that the facilities of the Canadian Northern Railway Company at Winnipeg were insufficient to properly take care of the steadily increasing business which that company has to handle in and through Winnipeg. It is admitted on all sides by every one conversant with railway problems in Winnipeg that the construction of some line of railway, which would carry out the object which the Canadian Northern had in view in making this application, would be of material benefit not only to the shipping public of Winnipeg, but to the people of Canada as a whole. This line if constructed, would be used in assisting to get the wheat from the western provinces to the markets of the East, and if a sample market for grain is established at Winnipeg such railway facilities as will permit of the most expeditious handling of grain traffic at Winnipeg will be necessary.

In his evidence, at the sitting of the Board at Ottawa on the 17th September last, Mr. Tye, the expert engineer called by those who object to the granting of this application, stated:—

“That the line of the Canadian Northern as run is undoubtedly from the railway standpoint the best line which they could get, and I think I can go further and say that there is an undoubted necessity for a cut-off between these two yards.”

The necessity for some cut-off being therefore clearly established, it remains for the Board to determine whether the application of the railway company to build it through River park, as it desires, should be granted, or whether some alternative scheme should be adopted.

At the hearing in Winnipeg much evidence was given showing that the construction of the cut-off on the line asked for would result in materially depreciating the value of adjoining property; but, after going over the route of the proposed line as we did with considerable care after the hearing, I became satisfied that the fears of many of those that had appeared before us were unfounded. I do not suggest that those who gave evidence before us were insincere and were not thoroughly convinced that the results which they feared would be brought about by the construction of the cut-off, but people who have not had much experience of the location of a railway line and who are naturally much concerned if it is to be anywhere near their own property, are apt to become unduly alarmed and over-estimate the detrimental effect which the construction of such a line would have on their property.

Nevertheless, bearing in mind the objections raised, the Board was most anxious before coming to any conclusion in this matter, to endeavour to find the route that would do the least damage and still fairly carry out the object the company had in

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view when they decided upon the construction of a cut-off. We therefore instructed our engineer at Winnipeg to make a careful examination to see if some other route would be more desirable. Surveys and reports were made by the engineers representing different interests, and conferences between these engineers were held. The Board has not only had the advantage of a comprehensive report from its engineer in Winnipeg, but it had also a report from its chief engineer and chief traffic officer, who were specially sent to Winnipeg after the Ottawa sitting in September, to go carefully into this matter on the ground. All our officials agreed that, bearing all the circumstances of this case in mind, the line suggested by the railway company is the proper one for the Board to approve of, and from the careful consideration I have given this matter I am also of that opinion.

I may say in passing that, when the suggestion was made that the line should be constructed farther south, passing through what is called "Windors park," that the Board received many protests from landowners in that section similar in effect to the protests we have received from those who opposed the location desired by the railway company.

Our expert officials have pointed out in their reports to us, many objections to an alternative route farther south. It must also be borne in mind that the railway company owns, or controls, practically all the right of way on the line of the cut-off they desire to construct, whereas if a line farther south were adopted it would mean that the compulsory powers of taking land under the Railway Act would doubtless have to be invoked to acquire most of the land for the line. In such case, the position of the objectors would, I think, be stronger than that of those who object to the Canadian Northern line, because they would be able to say: The railway company seeks to actually take our land; whereas, the position of those opposed to the line applied for is that they fear that if the railway company is given permission to spend its own money on its own land for its own purposes, that the value of their property in the neighbourhood would be impaired. We should also bear in mind any alternative location would necessitate more highway crossings than there would be on the line suggested by the railway company. I agree that the value of some of the adjoining lands may be impaired by the construction of, and operation of trains over, the cut-off. All land owners are subject to the unavoidable risk, that their neighbours in the exercise of their rights may construct some building or carry on some business which will reduce the value of adjacent property. In a case like the present where the overwhelming public interest is in favour of the granting of the application, I cannot see that it is incumbent upon the Board to stop the wheels of progress and development merely because the financial interests of some individual may be prejudiced.

In granting the application of the railway company, which I think should be done, there are some details in the way of the protection of the public at highway crossings, and other matters which should be covered in the order. There should be a subway on the line of Pembina street where it enters River park, if the highway is opened through to the river; and, if not, then a foot subway should be constructed for pedestrians going to the park. A vehicular and pedestrian subway should be put in on St. Mary's road, to be completed our engineer recommends by the 31st July, 1914, in the meantime the company to instal gates for the protection of the public. A foot subway should be constructed opposite to the Glenwood school for the benefit of the children attending the school. An interlocking plant should be installed at the crossing of the Winnipeg electric street railway at the intersection of Pembina street, and gates for the protection of the public should be erected at the crossing of Jubilee avenue.

The policy of the Board is, not to permit the construction of a railway through a cemetery. It is pointed out by our engineer, Mr. Drury, that the line as located by the railway company runs through a part of block 317, part of which property is

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used for cemetery purposes. In a communication which the Board has received from the solicitor of the Archbishop of St. Boniface, who has jurisdiction over the cemetery, he states there is no objection to a line being run through block 317 if the cemetery is left undisturbed; and, I concur in the recommendation of our engineer that approval of the location of the line through block 317 be withheld to give the railway company an opportunity of conferring with the cemetery authorities to see if a satisfactory arrangement can be arrived at.

Counsel appeared before the Board at both the sittings at Winnipeg and Ottawa, suggesting that running rights be given to other railways over the cut-off. It is most desirable that the railway companies be made to get together in connection with cross-town lines, such as the one before us, because if at all possible no other cross-town lines should at any future date be authorized by the Board. It was pointed out by counsel for the Canadian Northern Railway Company that no conferences of the railway companies had been held prior to the sitting, and that in fact no application had been made in the regular way to the Canadian Northern on behalf of any other railway company to join them in the undertaking. The Board has power at any time to authorize the use of this line by any other railway company, and I suggest that the matter be left in abeyance to give the railway companies an opportunity of getting together, it being clearly understood that any company at any time may apply to the Board for an order granting running rights to it over the Canadian Northern tracks, in the event of it being unable to arrive at an amicable arrangement with the Canadian Northern.

Commissioner Goodeve concurred.

PARK AVENUE SUBWAY, MONTREAL, P. Q.

APPLICATION of Messrs. Davidson, Wainwright, and Alexander, of Montreal, P.Q., on behalf of Mr. S. O'Shaughnessy, for leave of the Board to a prosecution of the city of Montreal, for the recovery of penalties exceeding the sum of \$100, and the issuing of any order and other necessary processes compelling the city of Montreal to carry out the Board's order.

Oral judgment delivered by Chief Commissioner Drayton at the close of the hearing, November 4, 1912:—

In view of the peculiar position in which we find the city, I think we shall have to give it until the first of April, 1913, to commence the work. We are doing this, Judge Laurendeau, because we are placing the fullest confidence in your assurance that the city really intends to go on with the work. So, no penalty will be exacted; but the work must be started on the first of April, and carried forward from that date until it is completed.

There will have to be some proper date fixed for the completion of the work. I should think six months would be sufficient.

MR. MOUNTAIN: The first of October.

CHIEF COMMISSIONER: The first of October.

MR. BUTLER: The Board remembers the St. Lawrence Boulevard tunnel, and Mr. Beatty of the Canadian Pacific Railway Company knows something about it; we undertook to have it done in six months, and it took two years.

MR. MOUNTAIN: That was much heavier.

THE CHIEF COMMISSIONER: Let the work be completed within six months from the first of April, 1913.

Assistant Chief Commissioner Scott, and Commissioners Mills and Goodeve concurred.

Order made, requiring penalties imposed under Board's previous order to be remitted, and that the city commence the work of constructing the subway not later than April 1, 1913, and complete the same by October 1, 1913.

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OSHAWA RAILWAY COMPANY CROSSING TRACKS OF TORONTO EASTERN RAILWAY AND
CANADIAN NORTHERN RAILWAY COMPANIES IN TOWN OF OSHAWA.

APPLICATION of the Oshawa Railway Company, under sections 222 and 237 for an order approving of branch line from the end of the present track on Bruce street, Oshawa, Ontario; thence over Bruce street and Ritson road to the property of "Bricks, Limited," in said town of Oshawa; also to cross the tracks of the Toronto Eastern railway and the Canadian Northern railway on Ritson road.

Oral Judgment, delivered by Chief Commissioner Drayton, at the close of the hearing, November 5, 1912:—

I do not think the statute of 1895 helps the applicant company, but, as we are going to decide in its favour on another ground, we need not quarrel about the statute.

The Oshawa Railway Company is a local street railway company, which handles both passenger and freight business, and it strikes me that what we have to deal with is really a municipal matter; the municipality itself wants this line built on its own streets; and as it is the only body which primarily has the right to say what shall be done on its streets, the application should be granted, notwithstanding the previous application of the Toronto and Eastern Company.

Then, as to the property owners, it does not appear that they are injured any more than property owners on other streets where the cars run. Everyone is liable to have a street railway in front of his door. It sometimes injures property from a residential standpoint, but it benefits the owner by the convenience it provides for himself and his family. I do not think any damages should be allowed under that head.

COMMISSIONER McLEAN: So far as this location is concerned, I think that, while I am in a hopeless minority, if you are hauling freight down there, you should be subject to the terms of the statute of 1911, and the railway should be liable in damages to the abutting landowners if their property is injured. I do not see any difference between an electric railway hauling freight on a street and a steam railway. If the property owners are at all damaged, it is not fair to them that, because the town is going to be developed by the extension of the line, the individual landowners should suffer.

THE CHIEF COMMISSIONER: I think we will have to accept Mr. McLean's amendment, if you have no objection to it.

MR. RATHBUN: There is no objection made to our application on that ground.

THE CHIEF COMMISSIONER: Then, an order will go for the crossing in the usual terms; details to be fixed by the engineer.

Assistant Chief Commissioner Scott and Commissioners McLean and Goodeve concurred.

Order accordingly.

ELEVATION OF RAILWAY TRACKS, NORTH TORONTO.

IN THE MATTER of the application of the Canadian Northern Ontario Railway Company, under sections 158, 159, 237 and 196 of the Railway Act, for the approval of plan showing track elevation of a section to be used jointly by the Canadian Pacific Railway Company and the applicant company from Summerhill avenue to Dovercourt road, in the city of Toronto.

Judgment of Mr. Commissioner Mills, November 7, 1912:—

Bartlett Avenue.—By order No. 16846, approving of a certain plan, the railway companies were allowed to cross Dufferin street at grade, Delaware avenue was closed, Somerset avenue was closed, and Bartlett avenue (750 feet east of Dufferin street and 250 feet west of Dovercourt Road subway) was also closed. But counsel for the city

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of Toronto, at a hearing in the said city, on the 26th of September, 1912, applied to the Board for an order varying order No. 16846 so as to secure the maintenance of Bartlett avenue as a grade crossing over the railways as at present, calling attention to the position of this avenue, the traffic on it, the fact that it is asphalted, and especially the fact that, —

“In the year 1889 an agreement was entered into between the Ontario and Quebec Railway Company (now the C. P. R.) and the Land Security Company, to maintain and keep a crossing over Bartlett avenue so as to connect Bartlett avenue south of the railway with Bartlett avenue north of the railway.”

In view of these facts and circumstances, I think the city's application for the maintenance of Bartlett avenue as a grade crossing over the Canadian Pacific and Canadian Northern Ontario lines of railway through North Toronto should be granted.

Ossington Avenue.—Dovercourt road and Shaw street are 1,800 feet apart, and Ossington avenue is between them, 1,200 feet from the former, and 600 feet from the latter. By the above order No. 16846, Ossington avenue was closed, because of the injury which the construction of a subway thereon would likely do the Pease Foundry Company; but it was clearly stated in the judgment that, if circumstances changed, the city would be at liberty to apply for the opening of the avenue. The Pease Foundry property was sold soon afterwards, presumably with a knowledge of the judgment affecting the said avenue, and the city then applied for the opening of the avenue.

Ossington avenue was left open on the plan prepared by our Chief Engineer Mountain for the elevation of the tracks in question; and, at the hearing in September, Mayor Geary, who appeared for the city, stated clearly and strongly, that Ossington avenue is a through street to the north, the widest and most important street in that part of the city, a business street paved and furnished with sidewalks right up to the railway tracks; that there is a fire-hall on the said avenue, a central school, and the street railway; that the street railway runs on the avenue as far north as Bloor street, and the Ontario Railway and Municipal Board recently issued an order that it be extended three miles further north, for the convenience of the people living in that part of the city, adding that the only way it can properly go is up Ossington avenue; that the traffic on the said avenue is rapidly increasing; and that Dupont street, running east and west, south of the railway, has recently been opened and paved as far west as Ossington avenue. Hence, he said, the city could not think of consenting to the closing of Ossington avenue.

Several interested property owners, some of them represented by F. E. Hodgins, K.C., also protested against the closing of the said avenue.

In reply, Mr. Beatty and Mr. MacMurchy, with due courtesy, maintained that the people living along Ossington avenue and for some distance on each side thereof can be properly served by Dovercourt road (1,200 feet west) and Shaw street (600 feet east): that the property sold by the Pease Foundry Company is still required for industrial purposes; and that it would be neither fair nor reasonable to re-open Ossington avenue.

Apart from other considerations, I think that a space of 1,800 feet—over one-third of a mile—without a crossing over a railway, in the heart of a large city, is something which people should not be compelled, or asked, to submit to; and, for this reason, in addition to the reasons given by the city and interested property owners, my opinion is that a subway, giving a 14-foot clear headway, should be constructed under the Canadian Pacific and Canadian Northern Ontario railways on Ossington avenue, on the same terms and conditions as may be imposed in the case of other subways covered by the plan approved of by order No. 16846.

Christie Street.—It having been arranged that, with the consent of the Canadian Northern Railway Company as to the use of a portion of its right of way, a convenient

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approach to the entrance on the south side of Clark and Clark's factory, can be made, I think there is no doubt that the headroom on Christie street subway should be 14 feet clear; and I may add that Chief Engineer Mountain is strongly of the same opinion, especially in view of the fact that there is a street car line on Christie street.

Albany Avenue and Huron Street.—It view of the facts and circumstances stated at the different hearings, I do not think that the application for the opening of Huron street and the re-opening of Albany avenue should be granted; but, as the traffic on Albany avenue north of the railways was diverted along Bridgeman avenue, east to Howland avenue and west to Bathurst street, it is manifestly the duty of the Board to see that the diversion is a proper one, clear and unobstructed in both directions; and I therefore think that Bridgeman avenue should be opened and properly graded through to Bathurst street, at the expense of railway companies and others in whose interest Albany avenue was diverted as above.

Commissioner Goodeve concurred.

Order accordingly.

CANADIAN PACIFIC RAILWAY CROSSINGS, FORT WILLIAM, ONT.

APPLICATION of the Canadian Pacific Railway Company, under section 237, for authority to construct four extra tracks across May and Ridgeway streets, in the city of Fort William, Ontario; the portion of the said streets affected by the said crossing of tracks to be closed and replaced by a street diversion on the northwesterly side of said tracks, but without crossing the same.

Oral Judgment delivered by Chief Commissioner Drayton at the close of the hearing, November 8 and 11, 1912:—

It appears that statements made at the hearing as to the width of the highway in front of lot No. 32 were incorrect. The highway at this point was always a full 66 feet in width. The effect of the deviation is to lessen, to an appreciable extent, the highway that the owner of this property now enjoys. It is argued by Mr. Bond, on behalf of the railway company, that the effect of the diversion, as changed by us, namely, the running of the road from one angle to the other of lot 31, has the effect of practically making lot 32 a corner lot.

Mr. BOND: Might I interrupt, Mr. Chairman? The statement that they had 66 feet here depends upon the legal question as to whether or not this highway property line runs straight down this side of May street, or goes as the fence is on the ground. It is only as the fence is on the ground that it is 66 feet. Legally, we contend, it is not.

The CHIEF COMMISSIONER.—That has been there for years and years. We had Mr. Morris's statement as to that.

Mr. BOND.—Would the Board leave that question over?

The CHIEF COMMISSIONER: The Board will not weigh the question of advantage or damage one way or the other; but there is a street closed in effect here, justified under the caption of a deviation; and, of course, it is a deviation in fact.

If this work were done under the Municipal Act, the owner of lot 32 could recover damages by arbitration, less any betterment to the property by the changed conditions. We think he should have damages, if any are done. There should be no arbitration; there is no necessity for costs. The question is a simple one and will be referred to the Assessment Commissioner at Fort William for his valuation and determination without evidence. If he won't do that, we will have to talk with you again. There is no reason why he should not do that, Mr. Bond.

Mr. BOND: If our engineers find that it is feasible to deviate this line so that it will not interfere with the street in front of that man's property, we will have the privilege of coming to see you again?

The CHIEF COMMISSIONER: Yes, to make any change you like.

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Order made, Commissioner McLean concurring, granting application, subject to the condition that the C.P.R. convey to the city a certain portion of lot 31, block 4, the city to convey to the company the portions of streets closed.

MIDLAND RAILWAY COMPANY AND CANADIAN PACIFIC RAILWAY COMPANY.

APPLICATION of the Midland Railway Company of Manitoba, and the Winnipeg Trackage, Limited, under section 227, for an order granting leave to the Midland Railway Company to cross the tracks of a main industrial spur of the Canadian Pacific Railway Company, near Wall street, Winnipeg, Manitoba, with the tracks of an industrial spur leading to the lands of Winnipeg Trackage, Limited.

Oral judgment, delivered by Chief Commissioner Drayton, at the close of the hearing, November 11, 1912:—

The application in this case is, we think, a little premature. While we are not directly governed by section 226 of the Act, on the present application, this being a branch line, yet the principle is the same, which is that such a crossing should be allowed only when it has been shown that there is a reasonable necessity for the construction of the spur in question; and that has not been done; so we must let the matter stand for the present.

Mr. THOMPSON: That is before making an order for a spur?

The CHIEF COMMISSIONER: Exactly. Now, this is the spur which you are building, and just as in the one instance we should be satisfied as to the reasonable necessity of the spur as such, we would be much more satisfied of the reasonable necessity of a grade crossing between railways before we grant it.

Mr. THOMPSON: Industrial tracks.

The CHIEF COMMISSIONER: It is an industrial track which they are working on all the time; and we find congestion there already. The application may be renewed whenever you can show a good reason for the construction of the spur.

Mr. THOMPSON: We have invested a large amount of money there.

Mr. BOND: A real estate investment.

Mr. THOMPSON: It is good hard money. They are not able to go to an industry and say: 'Here is a track.'

The CHIEF COMMISSIONER: If an outlet for an industry is really needed, it will be provided in some way or other; but the mere hope of the establishment of an industry would scarcely warrant us in splitting the tracks of the Canadian Pacific at a point where the company is using four engines constantly.

Mr. THOMPSON: Yes. Until the industries are there, the switching will not be interfered with merely because of this crossing, as we would not be using it. We would like our tracks constructed so that we can go to the public.

COMMISSIONER McLEAN: There is not only the question of industries established; you have to show they are going to be established.

The CHIEF COMMISSIONER: For example, under the section referred to, it is not to be shown that an industry is actually there, but that an industry will be established if the spur is constructed and the crossing made.

Mr. THOMPSON: Can the application stand?

The CHIEF COMMISSIONER: I can only repeat that our action is without prejudice to your application being renewed at any time. That, I think, leaves you in a safe position.

Mr. Commissioner McLean concurred.

Order refusing application issued.

C.N.R. FENCES BETWEEN DUFRESNE AND ST. ANN, MAN.

IN THE MATTER of the complaint of Frank Yestrom regarding the condition of fences along the right of way of the Canadian Northern Railway Company between Dufresne and St. Ann, Man.

Oral judgment delivered by Chief Commissioner Drayton at the close of the hearing November 11, 1912:—

An order will go for the immediate repair of those fences.

Now, Mr. Yestrom, the company has nothing to do with the gates in question. Those gates are put in for the convenience of farmers, and the farmer is supposed to keep them shut at all times, except when he is going through, and close them after he has gone through. So, those for whom you appear had better close the gates and keep them closed. Please tell them so, and that they may get into trouble if they don't.

MR. YESTROM: If the company isn't responsible, it isn't worth troubling about fencing. If the gates are open, the cattle get in through them.

THE CHIEF COMMISSIONER: If the gates are kept open—if the farmers neglect them, and let their stock get upon the railway—the company will not be responsible. Here is what the Act says: 'The persons for whose use farm crossings are furnished shall keep the gates on each side of the railway closed when not in use.' It is the farmer who opens those gates and uses them. There is no railway man there. If the farmer opens them, the railway company cannot do anything.

MR. YESTROM: The railway cannot keep them closed.

THE CHIEF COMMISSIONER: No, but the railway company can and must keep its fences up and in good condition.

MR. YESTROM: Yes.

THE CHIEF COMMISSIONER: We are going to make them put up their fences.

MR. YESTROM: Isn't it too bad for me? I lost my crop from hail; now I have got my cow killed; and everything seems just right against me. Now I cannot get anything out of them.

THE CHIEF COMMISSIONER: Do you know how your cow got upon the right of way? If it got on where their fence is down, they will have to pay you for the cow.

MR. YESTROM: No, there are so many gates open. I would not tell a lie for the sake of getting a few dollars.

THE CHIEF COMMISSIONER: I do not think you would. If you will undertake to see that those gates are kept closed they will help you out.

MR. YESTROM: Some of those engineers are gentlemen, because on one place one farmer's horse got in and they might have run over and killed the horse. Those engineers went out and pulled the horse out.

THE CHIEF COMMISSIONER: That is first-class.

MR. YESTROM: It is.

THE CHIEF COMMISSIONER: You get your neighbors to shut those gates.

MR. YESTROM: I am so much wiser. I can tell a good many farmers instead of paying a lawyer an amount of money to get paid for a cow, and then losing it all, they must keep their gates shut. This will make them far wiser, and me too.

THE CHIEF COMMISSIONER: They are wise fellows if they just believe what you tell them, Yestrom. I know it will be all right.

MR. YESTROM: Thank you.

THE CHIEF COMMISSIONER: I am very sorry we cannot bring back your cow.

MR. YESTROM: I do not think the Canadian Northern will want to pay for it.

Commissioner McLean concurred.

Order made directing the C.N.R. Co. to repair its fences along the right of way between Dufresne and Ste. Ann, Manitoba.

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McPHILLIPS STREET SUBWAY, WINNEPEG, MAN.

File 2050.

APPLICATION of the city of Winnipeg for permission to the Winnipeg Electric Railway Company to operate its cars by way of the subway under the tracks of the Canadian Pacific Railway Company on McPhillips street, in the city of Winnipeg.

Oral judgment delivered by Chief Commissioner Drayton at the close of the hearing, November 12, 1912:—

McPhillips street seems to be a proper place for a street railway. Tracks apparently have already been laid on it for street railway purposes. It is a public highway of the city of Winnipeg, and the city wants the street cars to run on it. We cannot compel the street railway company to operate; but we can authorize the use of the subway on the street for street railway purposes.

If the Canadian Pacific Railway Company objects, thinking that there may be danger to the superstructure arising from the attachment of electric wires or anything like that, the details of the work will be done under the direction and to the satisfaction of Engineer Drury.

There should be no remuneration to the Canadian Pacific Railway Company; and there will not be any.

Mr. BOND: I presume our rights, if a new subway is required at any time earlier than it otherwise would by reason of the operation of the street railway, will be reserved?

COMMISSIONER McLEAN: You need not worry in this generation.

The CHIEF COMMISSIONER: A heavy lorry run through a subway would do as much harm as a street railway; so we won't get down to such refinements.

Commissioner McLean concurring, order made granting application, in terms of judgment.

EXEMPTION FROM FENCING, GRAND TRUNK PACIFIC RAILWAY COMPANY.

IN THE MATTER of the application of the Grand Trunk Pacific Railway Company and the Grand Trunk Pacific Branch Lines Company, under section 254, subsection 4 of the Railway Act, for an order relieving such companies from erecting and maintaining gates in openings in right-of-way fences provided to give the public ingress to and egress from station reservations on their respective lines.

Judgment, Chief Commissioner Drayton, November 15, 1912:—

It is not open to the Board to lay down any hard and fast or general rules as to the fencing of station grounds. Each station is to be considered having regard to the requirements, not only of the railway company and the station itself, but also those of the neighbourhood which, in some instances, might often require fencing although much objected to by the railway company. In all cases where the railway company desires to obtain exemption from the responsibility of fencing, application must be made in each case under the Act.

Commissioner McLean concurred.

Order made dismissing application.

CROSSING VICTORIA STREET, NORTH BATTLEFORD, BY THE C.N.R.

The town of North Battleford applied, under section 237 of the Railway Act, for an Order directing the Canadian Northern Railway Company to provide and construct a suitable crossing at Victoria street.

After hearing, the Board directed Canadian Northern Railway Company to file plans within thirty days showing a subway at Victoria street, and apportioning

the cost of the work, seventy per cent by the railway company and thirty per cent by the town. The railway company failed to file the plans within the time specified, and upon a further hearing the previous order was amended and the company directed to construct a subway at said Victoria street, at right angles to its tracks, and that pending the construction and completion of the subway the company, at its own expense, appoint and maintain watchmen at the crossing. The order further imposed a penalty for every day the company should be in default in carrying out the terms of the order.

Oral Judgment delivered by Chief Commissioner Drayton at the close of the hearing, November 19, 1912:—

The plan calling for a right-angle subway appears to be suitable for the purpose of eliminating all crossing danger at this point, and it seems to provide a full and sufficient highway for the purposes of the municipality. It accomplishes everything that is in contemplation under the sections of the Act and the objects of the Grade Crossing Fund. Under the circumstances, it is all the Board can reasonably require the railway company to contribute to.

The city's objections to it from the highway standpoint are two: First, the extra distance to be covered; this, apparently, amounts to only 120 feet, and is negligible; secondly, that with the right-angle construction, street cars cannot be operated. The Board's engineer says that is a mistake; and, from my own personal knowledge of street railway operations, I entirely agree with him. These objections, therefore fail.

The municipality, however, desires a straight subway for another reason, *i. e.*, that it may have a straight street, which no doubt would be better from a municipal standpoint; and if the municipality is willing to pay the extra cost involved in straightening it, I see no reason why it should not have the subway straightened.

The Board's engineer will determine the cost of both the right-angle and a straightened subway, making careful estimates; and, if the city so desires, the subway will be built straight along Victoria street; the city to pay the extra cost occasioned by the change.

The municipality will, as soon as possible, notify the Board as to which subway it desires constructed.

In case a right-angle subway is constructed, the railway company shall, without charge, deed to the municipality for highway purposes, a strip of land sufficient for a street south of the track, parallel with Victoria street.

Concurred in by Mr. Commissioner McLean.

APPLICATION of the municipal corporation of Delta, B.C., for an order reviewing, rescinding, changing, altering or varying an order of the Board made on the application of the Vancouver, Victoria and Eastern Railway and Navigation Company, on August 5, 1907, relating to a portion of the River road in the municipality of Delta, and order of the Board No. 6817, dated March 3, 1909; and for an order compelling the Vancouver, Victoria and Eastern Railway and Navigation Company to make a safe and sufficient road in lieu of that portion of said River road taken by the said railway company for purposes of its railway.

Oral judgment delivered by Chief Commissioner Drayton at the close of the hearing, November 28, 1912:—

The position in this case is one that we cannot very well interfere with. Probably, in the first instance, the order of the late Chief Commissioner went as far as the Board could very well go in aiding the landowners of the municipality in getting something done.

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To-day we are not much concerned about the right and payment, because the arbitration was merely as to land damages, and so on; but the genesis of it all, the document which placed the liability on the railway company, is the old order. That order directed the company to build a road to the satisfaction of the municipality. It may be a road that would not have satisfied some other engineers; but, that is not what the responsibility of the railway company was. Its responsibility was, as I have said, to build a road which would be acceptable and certified to by Mr. Cambie.

The municipality had from the 27th October, 1909, as the period of maintenance. That period of maintenance is absolutely confined to three years. If that road was not properly built—and I am assuming, for the purposes of this discussion, that it was not properly built—the municipality had, as I say, three years within which to make an application to the Board under circumstances that would have clothed the Board with authority to deal with the matter without attempting to extend the period of the company's responsibility. No such application was made. It is true that it came very shortly afterwards; but it came too late—after the time when the liability of the company had ceased. Under these circumstances, we are unable to interfere.

Mr. Commissioner McLean concurring, order, refusing application, issued.

MISSION DISTRICT BOARD OF TRADE AND CANADIAN PACIFIC RAILWAY—HORNE AVENUE CROSSING.

COMPLAINT of the Mission District Board of Trade alleging that the level crossing over the tracks of the Canadian Pacific Railway at Mission City, B.C., known as Horne Avenue crossing, is inadequate, and also is blocked by cars for thirty minutes and upwards at a time.

Oral judgment, delivered by Chief Commissioner Drayton, at the close of the hearing, November 28, 1912:—

This is the position: The Board cannot open up highways. The municipality is the body that has the right of opening up highways, as and where it pleases, subject to the directions of the Board when railway property is interfered with. That being the case, all we can do to-day is to say that, if the municipality provides a suitable structure by means of a bridge for carrying a new highway across the tracks, an order for that will go. We do not care what street it is on. That is a matter you will have to fight out before the proper tribunal.

MR. COWAN: In this particular case, an order could not possibly go, because the reeve of the municipality is speaking of a street which is not within his municipality.

THE CHIEF COMMISSIONER: That is a difficulty we cannot deal with.

MR. WILSON: Your order simply gives leave to do a certain thing.

THE CHIEF COMMISSIONER: That is all. If you have not the right to do it, you have not the right.

MR. VERCHERES: The petition shows that the present crossing is not adequate. The petitioners appeal for an overhead crossing, as well as keeping Horne avenue open, and that is outside the municipality; it is an unorganized Government district, so far as we can see; there is a road over the Canadian Pacific tracks, on which road we want the Railway Commission to grant us an overhead bridge.

THE CHIEF COMMISSIONER: You do not know where it is. As I pointed out to you, we cannot do that. The municipality by by-law, makes its highways.

MR. VERCHERES: We are outside the municipality; it is under the Government.

THE CHIEF COMMISSIONER: Then, it is for the Government to say. We cannot do anything more than that. That is all we can say. Just as soon as the municipality passes a by-law for the building of a bridge at any particular spot, then we see that it is a proper and suitable structure; and, if in the opinion of our engineer, it is, the plan is approved.

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In this case, the Government being interested, may possibly contribute towards the cost of the bridge. If not, the whole cost will be upon the municipality, because the proposed road will be a new highway.

REFUSAL OF GREAT NORTHERN RAILWAY COMPANY TO STOP TRAINS AT CRESCENT, B.C.

Messrs. John A. Lee and F. J. Hart & Company, Limited, of New Westminster, British Columbia, complained to the Board of the refusal of the Great Northern Railway Company to stop its trains leaving Vancouver at 4 p.m., at Crescent, British Columbia.

A further complaint was lodged by F. J. Hart & Company that the company did not put in the proper train service as undertaken.

Hearing Vancouver, November 28, 1912.

Oral Judgment delivered by Chief Commissioner Drayton at the close of the hearing:—

What we will do is this: On the first of January, or the day after—if that be New Year's—Mr. MacNeill will send you, Mr. Mayor, and us the copies of his time-table. You will then please make and send to us such representations as you think proper; and, if there is any real issue, we will submit it to the operating officer of the Board. He deals with all such questions; and we will see what can be done for you.

Mr. LEE: Even if the regular train was put on, we should never know when it was coming.

Mr. MacNEILL: If these people would spend some of their surplus energy in getting Customs officers put on, the trains would get through sooner.

Mr. McQUARRIE: That is not the cause of the delay.

Mr. STILLMAN: There are three points involved. The two that have been spoken of are White Rock and Crescent. Lying between these there is property owned by the Methodist Church. Three years ago they promised it a flag station privilege; but we have had a great deal of difficulty regarding it. To-day we have people living there who have business in the city. For instance, the manager of the Royal Bank, and people of that type, who want to get back and forth, and who want a flag station privilege. If it is not granted they must leave. A doctor was living there and would have remained because of his wife's health; but, there being no flagging privilege, he had to leave, and he decided to go to California. We have been asking the railway company to give us a flag station privilege on one train.

The CHIEF COMMISSIONER: Try to include that in your schedule.

Mr. MacNEILL: These townsites spring up like mushrooms.

Mr. STILLMAN: We have a statement from Lewis J. Hill regarding the suggestion, written a year and a half ago. They have been promising all this time to give us a service.

The CHIEF COMMISSIONER: Will you also send a copy to this gentleman?

Mr. MacNEILL: I will send one to his address; yes, sir.

As a result the company was directed by order dated February 18, 1913, to put into effect a summer time-table to go into operation not later than June 15, and to continue until October 15, in each and every year until further order of the Board.

HASTINGS STREET CROSSING, WESTMINSTER JUNCTION, B.C.

APPLICATION of the corporation of the district of Coquitlam, B.C., under section 237, for an order directing the Canadian Pacific Railway Company to construct a suitable crossing connecting Hastings street with the Dewdney Trunk road at Westminster Junction, B.C.

Oral Judgment delivered by Chief Commissioner Drayton at the close of the hearing, November 28 and 29, 1912:—

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We may say that the issue in this case is entirely a phantom; and we have good authority for that statement—the authority of Mr. Lanigan—who at one time pointed out that the Canadian Pacific Railway Company had not time to make paper rates for phantom business.

The issue raised by the different real estate interests is frankly admitted to refer to problematical future interests. It points to future developments which may take place. I dare say that development will take place; but it has not yet taken place. There is as yet no public necessity or interest which justifies the removal of this station from the present site, where it has been serving a certain number of people—comparatively small, it is true, but still serving them—for a number of years. It may be that, in the future, it will be necessary to consider the question.

There is no difference between the two sections, as sections, to warrant a removal of the station, so the real issue is as to whether or not the travelling public are or are not inconvenienced, and will not be inconvenienced when the double track of the Canadian Pacific is in operation at this point, by delays consequent on the shipment and transhipment of fish and other express commodities.

If there is a delay of thirty-five minutes in the through movement and that delay can be materially reduced, the public interest manifestly demands that the Board should sanction such a remedy as will secure the reduction.

I do not know, and we are not able to say to-day, whether that saving of time can or cannot be made. The evidence is conflicting, even from the standpoint of the railway company. There is no doubt in my mind that some saving of time can be effected; but we are not at present in a position to find out what the saving will be, or what is the best layout to bring it about. So what we will do is this: We shall have an inspection made from that standpoint—an inspection which will deal with the matter of actual delays and the necessity for such delays at the present junction—and that inspection will deal also with the proposed rearrangement, keeping in view the public convenience in the saving of time.

There is another matter which will have to be seriously considered in the investigation which we will make, that is, the necessity for the highway which it is proposed to open through the old station ground of the Canadian Pacific railway. That will receive due consideration.

In the meantime, no order will be made as to the change in the site of the station. That station will continue to do business as heretofore, and the matter of a new station will have to stand until we can make the necessary investigations.

TORONTO VIADUCT.—CLEARANCE FOR C.P.R. TRACKS UNDER QUEEN STREET BRIDGE.

Judgment, Assistant Chief Commissioner Scott, December 13, 1912:—

The Canadian Pacific Railway Company has for some time been protesting against the plan of the viaduct showing the approach to that company's tracks from the north-east to the elevated tracks on the Esplanade, where that company's tracks are to join the tracks of the Grand Trunk railway. The Canadian Pacific Railway Company say that the grade of five-tenths of 1 per cent, uncompensated, will prejudice its use of the viaduct. This grade is made necessary if the statutory clearance of 22 feet, 6 inches headroom is to be maintained over the C.P.R. tracks under the Queen street bridge.

I took the matter up on the ground with representatives of the C.P.R., C.N.R., and the city of Toronto, on November 13, and with the assistance of our chief engineer gave the matter careful consideration.

The railway company have a much steeper grade running the other way on its line just north of the Queen Street bridge, but the grade it complains of would affect west-bound trains, whereas the other is against east-bound trains.

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There are two objections to granting the company's application for a reduction of this five-tenths of 1 per cent grade. One is, the lessening of the headroom under Queen street, and the other is the practical annihilation of Esplanade avenue which is the only entrance in that section of the portion of the city of Toronto lying between the C.P.R. tracks and the Don river, north of Front street. As the railway company's through freight will pass via North Toronto, it will not come down over the line in question. No freight trains of the C.P.R. would pass under Queen street, except those carrying local freight for or from the southern part of Toronto, and provision could be made for the keeping of men off the top of the cars while they were passing under the Queen Street bridge.

Under these circumstances, I would be prepared to suggest that the Board exercise its powers under the Railway Act and permit a less headroom than 22 feet, 8 inches, under the bridge; but the other objection, that of blocking up Esplanade avenue is far more serious, and one that to my mind outweighs the slight advantages which the improvement in the grades would mean to the railway company. It may be that after the viaduct is constructed and there is further development of the territory adjoining the river Don south of Queen street, other avenues of access would be established which would permit of the closing up of Esplanade avenue; but, at present, no reasonable one has been suggested.

I therefore think that the railway companies should be informed that the Board cannot accede to this request for a reduction in the five-tenths of 1 per cent grade complained of.

Commissioner Mills concurred.

TORONTO VIADUCT.

Assistant Chief Commissioner:—

One of the details of the viaduct scheme left undetermined was the portion of the C.P.R. track crossing Front street and Overend street past the property of the Wm. Davies Company, Limited. On November 13 I visited the *locus in quo* and went over the situation on the ground with representatives of the Davies Company, the city of Toronto, the Canadian Pacific Railway Company, and the Canadian Northern Railway Company. An engineer of the Board accompanied me. After giving the matter careful consideration, I have come to the conclusion that the scheme for grade separation over Overend street and Front street, as shown on a plan prepared by the C.P.R. and dated September 5, 1912, on this file, should be adopted by the Board as the one which will best carry out the scheme of the viaduct and do as little damage as possible to the Wm. Davies Company. In addition to approving of this plan, we should see that a suitable means of approaching the Davies property with fire trucks and big loads is established. The clearance under the viaduct over Overend street is only 10 feet, and it is said that fire-fighting apparatus might not pass under the viaduct at this point. Mill street, which is a couple of streets south of Front street could be utilized as a satisfactory approach to the Davies property, if the road itself were made passable. I think the city should have Mill street paved from Cherry street to Overend street. This is only two blocks; and if the street was put into good shape for that distance, a satisfactory entrance *via* Cherry street and Mill street would be established. I do not say how the city should bring this about. It should be left free to take such steps as it thinks best to bring about the paving, but it should not be part of the viaduct expense.

An order should go approving of the plan and ordering the city to pave the street as described above.

Commissioner Mills concurred.

OTTAWA, December 13, 1912.

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CANADIAN NORTHERN RAILWAY BRIDGE OVER ASSINIBOINE RIVER.

APPLICATION of the municipality of Assiniboia with reference to some difficulty which has arisen over the repair and upkeep of a combined railway and traffic bridge of the Canadian Northern Railway, over the Assiniboine river, immediately west of the city.

Oral judgment delivered by Chief Commissioner Drayton at the close of the hearing, December 16, 1912:—

This is a matter in which the Board, with the material before it, cannot do anything.

The municipalities are, in the first instance, responsible for the care of their highways. They are responsible not only for their maintenance, but they are also responsible in damages for anyone injured by reason of their non-repair. In this particular case, I am not going to say that this highway is in the position of an original highway. I am not going to say anything which might prejudice the municipality in any action or proceeding which it might desire to take.

As a matter of fact, there is that technical point, which can be taken and is open to the municipality to take, that this bridge ends on Canadian Northern Railway property, on both sides of the river; but I am afraid that point is not of much importance to it, because the approach, which forms part of the structure and is necessary to the highway construction in both directions, runs over the municipal highway.

The Board can, however, do nothing, because the matter, as shown by the evidence, is entirely between the provincial authorities and the railway company. The provincial authorities assisted in the building of the structure for the purpose of getting the highway approach for the municipality. That assistance may or may not have covered maintenance. If it did, the fact will be made clear, I have no doubt, by the records of the local Government.

The usual rule, apart from any such record, is that the railway is responsible for railway structures, and the municipality for structures handed over to it for municipal and highway purposes. So the proper party to consult is the head of the Department that made with the railway company the agreement which resulted in the building of the bridge.

Mr. HUNT: I may say, Mr. Chairman, that the municipality of Assiniboia has already an application pending before the municipal commissioner of the province of Manitoba with reference to this bridge, and it seems that the bridge is not legally constructed. That is another question, you see.

The CHIEF COMMISSIONER: Well, it is with the local authority, whether the commissioner or the department; it is really in the hands of the local department, as a structure built on a highway by agreement with the local Government.

CROSSING OF RAILWAYS, YORKTON, SASK.

APPLICATION of the Canadian Northern Saskatchewan Railway Company (Wroxton westerly branch), under section 227 of the Railway Act, for authority to construct its lines and tracks across the lines and tracks of the Grand Trunk Pacific Railway (Canora branch), in the town of Yorkton, Sask.

The Grand Trunk Pacific Branch Lines Company objected to this application on the ground that it required the full use of this property for the purpose of extending its sidings, and to permit the Canadian Northern Saskatchewan Railway Company's crossing, as applied for, would render practically useless that portion of station grounds north of the Canadian Northern line.

Oral judgment, delivered by Chief Commissioner Drayton at the close of the hearing, December 16, 1912:—

An order will go giving effect to the objection raised by the Grand Trunk in this case. It would, I think, be against the interests of both railway companies if this yard were crossed. It would obviously be against the interest of the Grand Trunk Pacific, in that its movements would be hampered; and manifestly against the interest of the Canadian Northern also, because, being the junior road, it would be involved in heavy expense for extra diamonds, with the construction and operation of an interlocking plant.

The crossing will, therefore, be made at the point marked on the plan by Mr. Drury—the point north of the distant signal placed on the Grand Trunk Pacific.

Commissioner McLean concurred.

Order made refusing C.N.S. Ry. Co. application and authorizing the company to construct its tracks across the tracks of the G.T.P.B.L. Co. at a point north of the distant signal placed on the tracks of the Grand Trunk Pacific Branch Lines Co., and requiring the crossing to be protected by an interlocking plant.

STEAM RAILWAY CROSSING ELECTRIC RAILWAY, LETHBRIDGE.

APPLICATION of the city of Lethbridge for an order to have the temporary right of crossing the Canadian Pacific Railway Company's tracks at Westminster street with the lines and tracks of the city electric system, under order No. 16640, dated May 28, 1912, made permanent.

Judgment, Chief Commissioner Drayton, December 20, 1912:—

It is contended, on behalf of the Canadian Pacific Railway Company, that this crossing is particularly dangerous and should not have been installed. The company is probably right. It is situated near the station yards and exposes those using the electric cars to a good deal of danger, undoubtedly. But this objection is not one which comes with very great force from the railway company. The danger now is no greater than when they consented to an order going for a crossing. It is true the railway company urges that its consent was only for temporary use; but under that consent permanent works have been constructed by the municipality, public moneys spent, and doubtless new houses have been built or property acquired in that part of the city across the tracks by individuals relying on the street car service.

No order will be made at present extending the time for the operation of the electric line across the tracks. The time allowed by the Board does not expire until the 28th day of May of next year. In the meantime the city and railway engineers will consider (as they have promised me) a proper solution of the difficulties at the point in question.

It should be understood by all parties that unless there is elimination of grade or a change in the street car location, a proper system of derails, set against the electric line, will have to be installed.

The Canadian Pacific Railway Company's engineers, in dealing with the question, should also bear in mind that, while the electric railway crossing was only for the year, the highway crossing itself is permanent, with a good deal of traffic over it, and is at a dangerous point, as shown by the claims of the railway company itself.

Commissioner McLean concurred.

ST. JOHN AND QUEBEC RAILWAY COMPANY AND CANADIAN PACIFIC RAILWAY COMPANY.

The facts are fully set forth in the judgment.

Judgment, Chief Commissioner, December 31, 1912:—

This is an application made by the St. John and Quebec Railway Company for an order allowing that company to connect its tracks with those of the Canadian Pacific Railway at two points indicated on a plan submitted for consideration, and permitting

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it and its lessees to operate their trains over the tracks of the Canadian Pacific railway between the points at which the connections are sought to be made, a distance of some 1.91 miles; to rearrange the Canadian Pacific Railway Company's switching spur track so as to place it south of the line of the applicant company, to construct and operate switches from the tracks of the Canadian Pacific Railway Company at the points shown on the plan, to remove the Canadian Pacific Railway Company's spur connection between Victoria Mills and the Canadian Pacific Railway Company's main line, and arrange for a relocation of the spur so as to connect with the tracks of the applicant company, and authorizing the Canadian Pacific Railway to operate its switching engines between certain points, subject to the rules and orders of the applicant company.

The Board, owing to the question of jurisdiction, does not deal specifically with the merits of the application under its various headings. In some instances, the applicant company is asking too much, particularly when it seeks to place itself in the position of a senior instead of a junior road, but, on the larger issue, that is, as to whether or not running rights should be obtained over the Canadian Pacific Railway Company's tracks by the St. John and Quebec Railway Company, either on the existing lines or on double tracks, the request is reasonable.

An engineer of the Board took the matter up personally with the engineers of the different companies, and the applicant company is, as stated by its engineer, willing to double-track the Canadian Pacific Railway from Fredericton station to Victoria, and to give the Canadian Pacific Railway Company control of the operation of both tracks. This solution of the difficulty would not, in my view, be at all unfair to the Canadian Pacific Railway Company. It is in the public interest, and I think an appropriate order might be made were the applicant company subject to the jurisdiction of the Board.

I have carefully considered the memorandum which has been submitted by the Honourable the Attorney General of the province of New Brunswick, in which he seeks to distinguish between this case and that dealt with by the late Chief Commissioner, the Honourable Mr. Justice Killam, in his judgment in the case of the Preston and Berlin Street Railway Company *vs.* the Grand Trunk Railway Company, 6 Canadian Railway Cases, page 142.

As I read it, the Act of 1903, section 137, which allows one company to use the lines and appliances of another, subject to the approval of the Board, can be construed only as the learned Chief Commissioner construed it; the effect, of course, being that the benefits of the provisions of the section can be extended only to railways within the authority of this Board; that is, one authorized by the Dominion Parliament, or declared by that Parliament to be a work for the general advantage of Canada.

By the Act of 1906, the old section 137 is revised; and the rights that one company may acquire over the tracks, etc., of another company are more clearly defined in section 176. The benefits of the section are not, however, extended to provincial railways.

The Honourable the Attorney-General refers to statute 1-2 George V, 1911, chapter 11, and statute 2 George V, 1912, chapter 49, as placing the railway under the jurisdiction of the Board and enabling the Board to make the order asked for. I have carefully considered both Acts, and I am unable to admit the validity of the argument. The first Act merely authorizes the lease of the railway when completed, with its appurtenances, and its operations as part of the Government Railway System of Canada for a period of ninety-nine years. There is nothing in the Act either which directly or indirectly places the railway under the jurisdiction of the Board, or renders it subject to the provisions of the Dominion Railway Act. As a matter of fact, the railway is not being constructed under the provisions of that Act. Section 2 merely enables the directors of any railway company within the legislative authority of the Dominion to enter into the contract; and, there being no such company, this section does not in any way support the contention of the applicant company.

The second Act referred to does not, in my view, place the railway under the jurisdiction of the Board. It is an Act providing for a subsidy to this railway; it

does not provide in any way for its construction, or give the company the right to take advantage of the construction sections of the Railway Act. It does, however, provide that the rates and tolls charged by the company in respect of the structures subsidized, shall be approved by the Governor in Council. This, in my view, goes no further than the usual provisions to be found in Acts granting subsidies to local companies, which have never been, in the past, construed as divesting those companies of their character as provincial undertakings. The provision, indeed, does not go so far as subsection 3 of section 258 of the Railway Act, which provides that every railway subsidized by the Dominion shall provide and maintain stations, furnish facilities, etc., as designated and defined by the Board. The effect of this provision, however, is yet to be held as creating a general Dominion jurisdiction.

The fact also adverted to by the applicant company, that this railway is to be operated as part of the Intercolonial does not aid the applicant company, because Government railways are expressly excluded from the application of the Act.

In my view, the object aimed at can perhaps be accomplished under the legislation of 1911, amending section 228 of the Act. Under this, with proper provincial legislation, while it is not at all clear that the application as made would be within the jurisdiction of the different Boards, yet it is manifest that, a physical connection between the systems being made, regulations may be provided for the safe and proper transfer of engines and equipment, and for the reasonable forwarding and delivery of traffics, which will probably be sufficient for the purposes of the applicant company.

Commissioners Mills and Goodeve concurred.

Order made, refusing the application.

COW OF P. CHERBO, KILLED ON LINE OF C.P.R. AT SIRDAR, B.C.

COMPLAINT of P. Cherbo, of Sirdar, B.C., relative to his receiving no settlement for cow killed through lack of fences on the line of the C.P.R. in that vicinity.

Mr. Commissioner Goodeve:—

I think an amending order to order No. 16136 should go ordering the fencing of this right of way from mileage 77 to Sirdar, as per Mr. Cherbo's letter of December 10, and that copies of Mr. Cherbo's, Assistant Engineer Kerr's, and Chief Engineer Mountain's letters should be forwarded to the Canadian Pacific Railway Company.

Judgment, Chief Commissioner Drayton, January 2, 1913:—

The order relied on by the company is not a temporary order, but was in full effect at the time the complainant's cow was killed. There was therefore no duty to fence on the part of the railway company, and consequently no liability upon the part of the company for the loss of the cow.

In my view, no further orders of this kind should issue without a qualification that the effect of the order shall cease just as soon as any settlement takes place, and fencing becomes necessary.

The complainant does not state when he took up his property, and I am assuming that this happened since the 15th of March, 1912, as this accident shows, to some extent, that the order never should have been made if the complainant and his stock were already in the neighbourhood. The Board only has the right to excuse fencing when fences are unnecessary.

Mr. Kerr, the Board's assistant engineer, reports that, in a case where land is liable to be taken up on either side of the railway, the engineers in charge of these divisions have verbally agreed, when fencing is necessary or when land is taken up, that they will have the right of way fenced. Such an understanding is not operative. In the present case I think that, apparently, the fencing of the railway company's right of way from mileage 77 to Sirdar should be made; but no order can very well go until the Canadian Pacific Railway Company has been asked to show cause.

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The secretary will forward copies of letters as indicated in Mr. Goodeve's memorandum.

The Assistant Chief Commissioner and Commissioners Mills, McLean, and Goodeve concurred.

Amending order accordingly.

RAILWAY CROSSING.

APPLICATION, Abbotsford Timber and Trading Company, Limited, for permission to cross the tracks of the Vancouver, Victoria and Eastern Railway and Navigation Company, in section 20, township 16, east of the coast meridian.

The facts are fully set out in the judgment.

Judgment, Chief Commissioner Drayton. January 3, 1913:—

This is an application made by the Abbotsford Timber Trading Company, Limited, for permission to cross the tracks of the Vancouver, Victoria and Eastern Railway and Navigation Company with their logging track in the centre of section 20 township 16, E.C.M.

At the hearing, Mr. Reid, who appeared for the applicant company, stated that an arrangement had been made for an order to go providing for a crossing either at level, with interlocking plant, or by an overhead crossing, at the applicant company's choice, choice to be signified within thirty days.

Mr. MacNeill, on behalf of the railway company, stated that the arrangement was subject to the approval of the Board, and if the Board thought the crossing should be an overhead one, the railway company would build it. Mr. Reid stated that his company would prefer an overhead crossing, if one would be feasible.

An engineer of the Board has looked into the matter and finds that a short distance from the proposed crossing, and in the direction of Abbotsford, an overhead crossing can be obtained, with easy approaches; and at the same time points out that the applicant company has bought a right of way costing about \$800 and has already done grading at a cost of about three thousand dollars for a level crossing.

In view of the work already done, and only for that reason, the engineer recommends that the applicant company be permitted to cross by means of a level crossing, with safety devices, or to change its location so that it can cross on a high level at a point about fifteen hundred feet nearer Abbotsford.

The engineer's report also points out that the applicant company is a large concern; that the cut this year will amount to eighteen million feet; and that they have now enough timber to keep running at this rate for twenty years. The proposed crossing is one which is, therefore, of a permanent nature, and must be so considered.

The applicant company had no right to commence grading operations for a level crossing; their action was entirely at their own risk, and cannot, in anyway, control what should be done and the disposition of the matter in the interest of public safety.

I am further of the view that it is not at all clear but that the overhead crossing even to-day, will, in the long run, prove very little, if at all, more expensive than the level crossing. A level crossing would have to be protected by a whole interlocker, instead of a half-interlocker which means the engagement of men night and day, with some risk, as is inevitable in all such cases, to the public.

Under the circumstances, my view is that the application for a crossing at the location now asked should be refused, and the applicant company directed to submit a plan showing an overhead crossing of the Vancouver, Victoria and Eastern Railway and Navigation Company at a point fifteen hundred feet nearer Abbotsford, as suggested by the Board's engineer, Mr. Kerr.

Commissioner McLean concurred.

SPUR OF GREAT NORTHERN RAILWAY FOR DELTA SHINGLE COMPANY.

APPLICATION of the Delta Shingle Company, Limited, for an order, under section 226 of the Railway Act, requiring the Great Northern Railway Company to construct a spur to serve the applicant company's mill near Townsend station, B.C.

Judgment, Chief Commissioner Drayton, January 4, 1913:—

The application has been opposed by the railway company on the ground that the spur would be placed on a curve and is on the main line, and that there is already a siding where the applicant company now actually load into cars, a distance of 3,200 feet from its industry.

For some time past the applicant company has had convenient car accommodation on the passing track. The railway company subsequently desired to keep the passing track open, and refused to allow the former practice to continue. The applicant company, at the hearing, was willing that a switch should be laid from a point on the straight track, so as to obviate any danger. The Board's engineer has, since the hearing, inspected the location, and recommends that a spur should be constructed to be taken off the main line at station 314.59, the point of frog to be placed at station 315.44, or 100 feet from the point of curve, the spur to be carried along parallel to the main line on a 29-foot centre; the nature of the spur to correspond with the change in the main line at station 320.44.

The construction of the spur is not, in the view of our engineer, dangerous, and the curve, which was spoken of by the railway company, is extremely easy, being stated by the representative of the railway company to be 3.30.

There does not appear to be any reason why the application should not be granted, and a spur constructed as described by the engineer.

The engineer's estimate of the cost of the spur amounts to \$1,222.50, which amount will be deposited by the applicant company in a chartered bank under the usual terms, and the appropriate order, under section 226, will be made.

Commissioner McLean concurred.

MUNICIPALITY OF ENTWISTLE AND GRAND TRUNK RAILWAY.

The municipality complained to the Board of the great inconvenience and serious loss it was sustaining by reasons of conditions at Entwistle, and the failure of the Grand Trunk Railway Company to provide accommodation and facilities at that point, and asked the Board to modify its order relieving the company from stopping its trains at the King street crossing.:

Judgment Chief Commissioner Drayton, January 6, 1913:—

An application was made by Mr. Reid, on behalf of the municipality of Entwistle, and heard at the Board's recent sittings in Edmonton.

Mr. Reid, while objecting generally to the orders that have been already made, was particularly anxious that the company should be compelled to discharge freight addressed to Entwistle at the King street siding.

It developed at the hearing that freight is now being loaded and unloaded for Messrs. Hyslop and Goodridge, sawmill owners, near the King street crossing, at a point convenient to be used for such purposes by the merchants of the municipality generally. It also developed that trains were stopped to the west of the river at another siding. The railway company took the position that these sidings were private sidings, and that the companies interested in them would object to their use by the people of Entwistle generally.

It seemed to me manifestly absurd for a station and freight facilities to be denied to the public generally on the ground of danger at King street, and to be extended to these companies: and my view was that the railway company should be

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compelled to stop and spot cars, where required by the merchants of Entwistle, at the King street siding, which is not, so far as the records of the Board show, a private siding, but one constructed on the railway company's property. Personally, I can see no more danger in handling the business of the merchants at this point than looking after the business of those the railway company is willing to take.

After the hearing, the Board's chief operating officer, Mr. Nixon, personally went to Entwistle, with a view of arranging, if possible, for the town's freight generally to be looked after at the King Street siding. He reports that this siding has been put in for the temporary accommodation of the Hyslop mill; and that, after the line has been constructed through, and fast trains are being moved, the former general manager of the company, Mr. Chamberlain, advised him that the siding would have to be removed. Mr. Nixon reports that the locating of the siding is one which is, in his view, unsafe from an operating standpoint. Under these circumstances, I cannot make the order I intended.

Some of the difficulties which the people of Entwistle now labour under will be removed by the establishment of a regular agent at their station. The officials of the railway company have agreed to place a regular agent there at once.

No order can be made on the present application. The railway company must understand that the road which they have constructed under the direction of the late Chief Commissioner was to be properly constructed for permanent use. It may be that, during the period the company had the road closed trains were still being stopped at King street.

In view of the allegations made at the hearing as to the road being closed and unfit for traffic, a further inspection will have to be made by an engineer of the Board after the frost is out of the ground next spring.

Commissioner McLean concurred.

LOCATION OF C. N. R. TOWNSHIPS OF NORTH AND SOUTH ORILLIA.

APPLICATION Canadian Northern Railway Company for approval of location south limit of Concession road, between concessions 5 and 6, township of South Orillia, to mileage 22.04, township of North Orillia.

The facts are fully set out in the judgment.

Judgment, Chief Commissioner Drayton, January 17, 1913:—

This is an application of the Canadian Northern Railway Company for approval of location from the south limit of Concession road, between concessions 5 and 6, township of South Orillia, to mileage 22.04, in the township of North Orillia.

At the adjourned hearing in Toronto, objections were taken by different property owners, on behalf of themselves and of the municipality, to the Canadian Pacific Railway Company's location. The position taken by the gentleman appearing in opposition to the plan was, shortly, that such a location should be approved as would interfere as little as possible with lake shore property and with the municipal highway. The plan as submitted showed the railway carried across lots three, four and five, in the Sixth concession, owned by Mr. Millicamp, Mr. Hughes and Mr. Lehmann, upon a straight line from the Fifth and Sixth Concession line to the Sixth and Seventh Concession line, the result being a considerable deviation from the Canadian Pacific right of way at this point, and with, as it seems to me, unnecessary damage to the property of the landowners. The railway company was directed to put in a new plan carrying this line immediately alongside of the line of the Canadian Pacific Railway, in the manner in which the landowners at this point desired. From the line between the Sixth and Seventh concessions the line of the Canadian Pacific Railway deviates entirely from the territory to be served by the Canadian Northern railway, the Canadian Pacific railway running in a westerly direction to Port McNicoll. The Can-

adian Northern objective point, on the other hand, being Washago, which lies to the north. It is therefore impossible to re-locate the Canadian Northern from this point in the manner requested. It was represented, however, on behalf of the municipality, that the Canadian Northern railway's right of way should parallel that of the Canadian Pacific, as far, at least, as the crossing of the Muskoka road, which is crossed underneath by the Canadian Pacific railway. The Board's engineers have carefully considered whether or not this could be done, as, if possible, it would be a proper solution of the question. The Board's engineers report that such treatment is impracticable. They state that it would result in not only lengthening the line, but increasing, unnecessarily, the elevation of the railway thirty-seven feet, with a resultant increase in grades from .2 to .75. Under these conditions the proposed location cannot be changed.

Objections are also taken, on behalf of the property owners north of the line between the Sixth and Seventh concessions on the ground that their property will be damaged, and the location is too near the lake front, but, as the grades forbid the line being thrown to the west which, after all, would place it on somebody else's property and injure somebody else, the location, as made by the railway company upon the plan as revised, will have to stand.

The property owners are protected, in any event, under the provisions of the Railway Act, so far as loss is concerned.

Commissioners Mills and McLean concurred.

SIDING AGREEMENT BETWEEN C.P.R. CO. AND THE VANCOUVER ICE AND COLD STORAGE CO.

The facts are fully set forth in the judgment.

Judgment, Chief Commissioner Drayton, January 22, 1913:—

In connection with the double tracking of the Canadian Pacific Railway Company's main line from Vancouver to Hammond, an application has been made by the railway company to terminate a siding agreement made with the Vancouver Ice and Cold Storage Company, dated the 1st day of November, 1911.

There is no issue made as to the necessity of a double track, nor is there any room for doubt that, in the interests of traffic, a double track is required.

The storage company, however, strongly resist the application, on the ground that it is impossible for them to carry on their business without the spur, and impossible for them to rearrange their premises so as to get the necessary railway accommodation without very great financial loss; and the storage company makes the proposal that their siding agreement should be allowed to stand, and the location of the new double track be placed on the other side of the company's right-of-way.

In addition to the agreement which the storage company relies on, that company submits that its buildings and layout were constructed on the faith of representations made by Mr. Busteed, an official of the railway, the company's solicitors writing:

"The granting of the siding right was opposed by Mr. Graham and one of the company's engineers; but after a long discussion, Mr. Busteed, to whom the matter was referred by the railway company, gave the parties the assurance that the company would permit the siding to remain to the north of the property above referred to and where the same now runs. On the strength of this assurance and decision of Mr. Busteed, the warehouse of the Vancouver Ice and Cold Storage Company has been erected, extending to the north limit of their lots."

The action referred to in the solicitors' letter is supported by a joint declaration made by Mr. Edward Mahon, Mr. J. J. Logan and Mr. H. E. Ridley, as follows:—

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"After a long full discussion, the said F. F. Busteed announced that the present siding would have to remain, and that the railway company would have to make a cut-in just east of Gore avenue to the southerly existing main line track, instead of carrying present siding track past the above-named property on a main line track."

Mr. MacDonald, counsel for the storage company, in his argument, referred to the understanding arrived at, and said that that understanding was crystallized by the siding agreement of the 1st of November, 1911, which is now sought to be cancelled.

It is not seriously disputed by the company that the matter was so dealt with by Mr. Busteed, and the fact is that the storage company did go on and made its improvements in such a manner as to conform to the continuance of the former switching right.

This switching agreement occurs to me to be one which should never have been entered into. It is the usual agreement covering the use of private sidings; but instead of being a private siding, as a matter of fact the track in question so termed consists of a running or service track—at any rate, a track constructed on the company's right of way, subject to the proper and necessary requirements and exigencies of public traffic and not private purposes.

I do not know to what extent this practice has applied in the past; but it seems to me to be indefensible. If a railway company is allowed to give exclusive agreements for siding privileges on its right of way and subject its line to many private switching contracts, the intention of the undertaking could well be delayed, if not defeated, and very improper discrimination in facilities and service practised. I do not think, however, it would be right in a case like this to give the company the benefit of a finding of illegality as to the contract where they themselves are, probably, more to blame than anybody else.

It is clear, however, that the right was not a perpetual right. If that had been the understanding, the agreement which crystallizes it—to use the words of Mr. MacDonald—would not contain the clause that either party should have the right to terminate the agreement, at any time, by leave of the Board, upon giving to the other party the notice the agreement requires. The object of such a clause—as I construe the agreement—is to prevent any selfish, vexatious, or unnecessary use of the powers of cancellation. The whole matter is left in the hands of the Board, and in view of the necessity of a double track in the interests of public traffic, I would have no hesitation in saying that such a condition was proper and sufficient to justify the cancellation.

The business relationship between the storage company and the railway company is close, and I have much confidence in thinking that there will not be difficulty in the parties working out such a rearrangement as will—although at some inconvenience—enable the storage company to continue its shunting operations.

The storage company, however, further relies upon the suggestion made by its engineer, and supported by his evidence, which is that the new track, instead of being placed on the city side of the right of way, should be placed on the side adjoining Burrard inlet; judgment has been delayed for some time so as to enable careful consideration to be given to the question as to whether this is feasible or not; and I may say that, in the first instance, I was of the view that that would be the proper solution of the question.

After, however, a review of the location and full opportunity of considering the different engineering reports that have been made, I am of the opinion that the Board would not be justified in changing the proposed location. Damages will result to property owners no matter on which side the new track is laid. For example, the Canada Fish Company objects just as strenuously to the location proposed by the

storage company as do the storage company to that proposed by the railway company. It may be that the damages will be less if the track is placed on the Burrard inlet side, but that is doubtful, and impossible of determination without the Board going into practically valuation or arbitration proceedings. The necessity for the new track is clear. If the railway company was not willing to undertake the work of double tracking, the business of Vancouver would warrant an order for it as a necessary extension of facilities. I do not think the Board should interfere with the railway company in such a case, more particularly as I think the commerce of Vancouver, in the long run, probably will be better served by placing the track on the city side.

The disposition I have made of the siding agreement does not cover the question of terms and measure of damages which shall be paid to the storage company—the Board should not have to consider this at all under the circumstances of this case, in view of the business relations of the parties interested. There probably must be some give and take on both sides, and I am sure that the railway officials would be slow themselves to place on the storage company the whole cost of the rearrangement of its warehouse.

No order will go for one month in order to allow the parties to agree as to compensation.

Commissioners McLean and Goodeve concurred.

CANADIAN NORTHERN SERVICE, EDAM TO MERVIN, SASK.

COMPLAINT of the Mervin Board of Trade, Mervin, Saskatchewan, *re* delay of the Canadian Northern Railway Company to complete the line of railway from Edam to Mervin.

Judgment, Chief Commissioner Drayton, January 25, 1913:—

Complaint has been made by farmers and others in the vicinity of Mervin, Sask., as to lake and railway facilities at that point.

Mervin is a point on the North Battleford branch of the Canadian Northern railway, some twelve miles north of Edam. The company's route map has been submitted to the Minister of Railways, and has been approved by the Minister from North Battleford to Athabaska Landing, a distance in all of about two hundred and fifty miles. The railway company has submitted to the Board its location plans from North Battleford to a point called Emmaville, a distance from Edam of about twenty-two miles. As a matter of fact, railway construction has been carried only as far as Edam. Complaints state that settlers have gone into the country generally along the line of the proposed route, and that there are farms now under cultivation forty or fifty miles distant from Edam. They further state that at Mervin, the townsite of the Canadian Northern Railway system has been laid out and land sold on the strength of the statement that the steel would be carried to it. Mr. MacLeod, the general manager of the railway company, stated that it was the intention of the company to lay steel to Mervin and that the work would have been done had it not been for the fact that the company was undertaking so much work that some of it had to be left over. There does not seem to be any doubt but that land, to some extent, was sold as the complainants stated, and the map issued by Messrs. Davidson and McRae, general agents of the railway company's lands, shows as a line in operation this branch, not only to Mervin but to a distance of some ten miles north of it, probably intending to show the construction to the point where the Board has approved of the company's plans.

There is no question at all but that the line is most urgently needed; that many of the farmers, who appeared before the Board at Edam, would probably be better off if they had broken no land and attempted to market no wheat under the adverse conditions which they are now suffering from. But the Board can do nothing. The building of these lines is a matter fixed only by the special Act and by agreements made with the

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different Governments interested. The Board can do nothing except facilitate the work when asked, and has done everything, in this particular instance, that it can do until the lines are constructed and an application made to open them for traffic. The only reason no action is taken here is entirely owing to lack of jurisdiction. So far as the necessities of the district are concerned, and the position that settlers find themselves in, there is no doubt that the railway should be built, and built at once. So far as the sales of land are concerned, again the Board is without the slightest jurisdiction. As matters stand at present, townsites can be opened by anybody anywhere and lands sold on prophesies of the future, so far as railway development, station location, and other facilities are concerned—or anything else.

In this particular instance, I unreservedly accept Mr. McLeod's explanation as to the facts, and am quite sure that there was no intention of reaping the benefit of a subdivision at Mervin on the assumption of a railway development which was not to take place. In other words, this construction was in contemplation and the work was expected to be done; but, as stated by Mr. MacLeod, owing to weather conditions and shortage of labour, the railway company did not accomplish as much track-laying as anticipated by its officials.

The Provincial Government is interested in the matter and the line is one that it is assisting. The Board has taken the matter up with that Government, and notes of the evidence have been supplied to it. In addition to all this, Mr. McLeod has stated that the line will be built this season. The settlers at Mervin and other parts of this district will have to content themselves with Mr. MacLeod's statement. The Board can make no order, because it has no jurisdiction.

Commissioner MacLean concurred.

CANADIAN NORTHERN RAILWAY COMPANY'S CROSSING HIGHWAY, CONCESSIONS 12 AND 13,
TOWNSHIP OF CHISHOLM, ONTARIO.

APPLICATION of the Canadian Northern Railway Company for an order, under section 237 of the Railway Act, granting to the company authority to construct its line of railway across the public road between concessions 12 and 13, township Chisholm, District of Nipissing, Station 114.47, Mile 210.87.

The facts are fully set forth in the judgment.

Judgment, Chief Commissioner Drayton, January 27, 1913:—

It seems to me that at present the best thing to be done is to see what the conditions will be on giving Mr. Belanger's layout a fair trial. The position the township takes as to the growing up of bushes along the proposed clearance in order to keep a proper line of sight is well taken and will be answered by a direction in the order to compel the company to keep these bushes cut.

The diversions suggested by the township do not seem to me to accomplish what is desired by the municipality. The dangerous part of this crossing results from the steep hill to the west. The improvement of the line of vision will enable those travelling east to see the trains on either side a quarter of a mile from the crossing, and at a point where the person travelling the highway is two hundred feet west of the crossing.

The profile shows that the grade is not nearly so steep two hundred feet back as it is between one hundred and two hundred feet, the grade at the two hundred point being such that there should be no difficulty in stopping a loaded vehicle which had approached that point under control.

The fifty-foot hill, which must be made immediately to the west of the crossing, will be of assistance and will render it much more easy for those using the highway to bring their vehicles to a stop.

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The proposed township deviations were, as I understand it, to enable a vehicle not under control to turn to either side. The angle at which they run into the concession road is too sharp to enable this to be very well done.

If found necessary, it would be better to make a turnout road giving a right angle turn from the concession road and running either north or south to a dead end. My idea is that this should be a flat road running on the same level as the railway, parallel to it, into which a vehicle not under control, could be turned. The proposed deviations, I think would overturn a vehicle not under control, and would not add much to the safety of the crossing.

Under all these circumstances, I think the plan which Mr. Belanger recommends should be adopted.

Commissioner Mills concurred.

CANADIAN NORTHERN ONTARIO SUBWAY ACROSS PUBLIC ROAD BETWEEN CONCESSIONS B AND 2, TOWNSHIP OF WESTMEATH, COUNTY OF RENFREW.

THE CANADIAN NORTHERN ONTARIO RAILWAY COMPANY applied, under section 237 of the Railway Act, for authority to construct its railway across the public road between concessions B and 2, in the township of Westmeath, county of Renfrew, and province of Ontario. The question was whether the company should be allowed to cross at grade level or should it be required to construct a subway carrying the highway under the railway.

Judgment, Assistant Chief Commissioner Scott, January 28, 1913:—

In this matter I am of the opinion, notwithstanding the views of the engineers, that the railway line should not be permitted to cross the highway on the level, but that the company should be ordered to construct a subway to carry the highway under the railway.

At this point the railway line is shown on the plans to be nine or ten feet over the present grade of the highway. If a level crossing is granted, it would mean this high embankment being constructed across the highway to the inconvenience and detriment of those using the highway for all time to come. It is an important highway in a well-settled agricultural district. It is contended by the municipality, and I think with a good deal of force, that if a level crossing was approved of, those using the highway could not team as heavy loads along the highway as they can to-day, due to the grade that would have to be climbed to get over the crossing. In addition to this, snow would be likely to blow off the crossing in winter time which might result in an accident, causing loss not merely to someone using the highway, but perhaps to occupants of a train on the railway.

It is pointed out by the engineers that the drainage of a subway at this point would be both difficult and costly. This is unfortunate, and it was suggested to the railway company that it might change the location of its line in order to cross the highway at some more convenient point; but the railway company has not suggested a revision in its location, although it has had ample time to do so.

I therefore think that an order should go for separation of grades at this point; the subway to have 14-foot headroom, and be 20 feet wide on the line of the travelled portion of the highway.

Commissioners Mills and Goodeve concurred.

Order in accordance with the terms of the judgment issued.

LOCATION OF C.L.O. AND W. RAILWAY, TOWNSHIP OF CRAMAHE.

COMPLAINT of James Cowie, township of Cramahe, relative to location of C.L.O. and W. railway through his farm on lot 35, concession 1, township of Cramahe.

Oral judgment delivered by Assistant Chief Commissioner Scott at the close of the hearing February 5, 1913:—

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Our engineer has been to see the property and points out that either a subway should be ordered or the property should be bought. The owner does not want his property south of the track bought. It is pointed out that the barn is on one side of the railway and the house on the other, and that the barn itself is too close to the track. Our engineer, having seen it, says that it would be dangerous there; so that we refuse the application for a subway, but we will order the railway to move the house and the barn both, the house to the north side, and the barn further north from the track to whatever point our engineer, Mr. Simmons, will indicate. He will go on the property, meet the parties, and he will decide where the house and barn are to be moved to by the railway company. It is to be done before any arbitration proceedings are taken.

MR. MACMURCHY: I would ask that the expense be taken into consideration.

THE ASSISTANT CHIEF COMMISSIONER: You can give evidence of all that before the arbitrators.

MR. MACMURCHY: And that we have the liberty to deduct the amount from the compensation, because it is compensation. The expenditure is simply so much money in reduction of damages. The damages are what the company, by the statute, has to pay. We are quite willing to spend the money in any manner the Board may see fit, but we do not want to pay compensation in addition to that, without the expenditure being taken into consideration.

THE ASSISTANT CHIEF COMMISSIONER: The arbitrators, of course, will take into consideration what you have done, the position of affairs before the barn and house were moved, and the position afterwards. It will be for them to decide what they shall do about it.

MR. MACMURCHY: Then liberty should be given to us to serve a fresh notice.

THE ASSISTANT CHIEF COMMISSIONER: Yes, the circumstances will be changed; that is right.

Commissioner Goodeve concurred.

Order made refusing application for a subway, and directing the railway company to move the house and barn, in accordance with the judgment.

LOCATION OF C. L. O. AND W. RAILWAY, TOWNSHIP OF CLARKE, ONT.

APPLICATION of the C.L.O. and W. Railway Company, under section 237 for authority to construct its line of railway at mileage 137.13 (from Glen Tay), across the road allowance between lots 10 and 11, Broken Front concession, township of Clarke, Ont.

Oral Judgment, delivered by Assistant Chief Commissioner Scott at the close of the hearing, February 5, 1913:—

I do not think we could order a subway at this place. You see there are so many much more important highways all over the country where we have to order subways. Our engineer went out and looked at it. He was there on the 6th November, and he says, as will be seen by the plan, there is a fill of about four feet at the crossing. The view of trains from the east would be excellent, while the view of trains from the west will be fairly good. The banks of a cut of nine feet high situated back about a thousand feet west of the crossing will obstruct the view somewhat. Can you cut that bank down, Mr. Ramsay?

MR. RAMSAY: I do not know; I have not seen it. Perhaps Mr. Simmons can tell us that.

MR. SIMMONS: It could be, but I do not think it is necessary.

THE ASSISTANT CHIEF COMMISSIONER: A thousand feet is a long way. Well, on those facts we will let the order go as asked.

Commissioner Goodeve concurred.

Order accordingly.

CAMPBELLFORD, LAKE ONTARIO, AND WESTERN RAILWAY CROSSING ROAD ALLOWANCE
BETWEEN LOTS 12 AND 13, CONCESSION 1, TOWNSHIP OF MURRAY.

Application of the C.L.O. and W. Railway Company, under section 237 for authority to construct across road allowance between lots 12 and 13, concession 1, township of Murray, Ontario, at mileage 90.75 (from Glen Tay).

Oral Judgment, delivered by Assistant Chief Commissioner Scott at the close of the hearing, February 5, 1913:—

As far as this is concerned, we will approve a level crossing. We do not feel justified in ordering a subway. There is not sufficient travel on the highway, and there does not appear to be a dangerous crossing. Our engineer went to see it. The view is good. Under all these circumstances, we approve of a level crossing. If at some future time there is more travel on the highway, and the circumstances change, you gentlemen can always come back and ask for a subway.

As far as this drainage business is concerned, we will see that the railways attend to it.

Commissioner Goodeve concurred.

Order, granting application, issued.

YONGE STREET SUBWAY, TORONTO.

Application of the corporation of the city of Toronto, Ontario, under section 29, for an order rescinding or varying order of the Board No. 16842, dated June 25, 1912, in so far as the said order provides that the subway at Yonge street shall be constructed with a fourteen-foot headway.

The facts are set forth in the judgment.

Oral judgment delivered by Assistant Chief Commissioner Scott at the close of the hearing, February 6, 1913.

The Board has since its inception been dealing with the question of grade separation on highway crossings, and the Railway Committee of the Privy Council for years before dealt with the same question, and the policy that has grown up and has been in force for years has been to have a headroom of fourteen feet in the subway. It is recognized that 14 feet is sufficient for trolley cars to pass underneath. The Board has invariably ordered a fourteen-foot headroom, except in some cases where for special reasons, it has permitted headroom of less than fourteen feet. There are several cases of such a nature where the headroom has been less than fourteen feet, but I do not know of any case where it has been more than 14 feet.

We decided some time ago on a separation of grades at Yonge street where the Canadian Pacific Railway's north line crosses the street, and it was decided that the headroom should be 14 feet, and that the grade of the approach should be the standard approach recognized by the Board, that is, 5 per cent. Of course, on the north side the approach is affected by the hill; but on the south side we decided that the approach was to be the usual approach, that is, a five per cent grade approach.

The width of the subways is usually governed by the importance of the highway. In this case, we recognize that Yonge street is, as Mr. Geary says, probably the most important highway in the province. Therefore, we said the subway must be the full width of the street, 66 feet.

After these decisions were arrived at the city made an application to have the five per cent approach on the south on Yonge street cut down, or flattened out, so that the bump would be cut off and the approach would be on the level. The Board decided to change the plans in accordance with the city's wish, on the condition that the extra cost of the difference between a five per cent approach and a level approach should be borne by the city. The city was given an opportunity to consider that, and it finally

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decided to exercise the option we gave it, and have the approach flattened out on the south.

The city now applies to have, instead of a fourteen-foot headroom, an eighteen-foot headroom underneath the structure which is to carry the railway over the highway, and it is pointed out that a certain character of vehicles which would go on that street under the railway would require a greater height than fourteen feet. Bearing that in mind, and bearing in mind the importance of the highway as well, the Board feels disposed to grant the city's request to have the extra four feet headroom provided for, but the Board feels that the cost of the extra work should be borne by the city. If the city wants something extra over and above what we give other cities, we think the city should pay for the cost of the extra work.

The city now, in the plan it puts in, abandons the idea of having the approach on the south flattened out. I think it is wise in doing that, because if it had an eighteen-foot headroom and the approach flattened out, it would mean the cutting down of the street for a considerable distance south of the track, and do a good deal of damage to abutting property on Yonge street. But the city suggests that the grade should be a two and a half per cent grade. That is all right. If the city wants that grade we will approve of it, with this condition, that the city pay the extra cost over and above the cost of a five per cent approach into a fourteen-foot subway, whatever that would amount to.

Then, with regard to the widening of the street, which has come to us to-day for the first time, it was news to everybody except the gentlemen representing the dwellers in the north. We made the subway originally the full width of the street. Now if the city seriously contemplates widening Yonge street after all this work has been decided on, we are not going to stand in their way so far as this subway is concerned; but we think that the city, while it is not in a position to-day to say what it wants to do, should say, within thirty days, what it wants to do with regard to the widening of this subway. If it wants the subway twenty feet wider, making it 86 feet wider, I suppose, than any other subway in Canada, it can have it at its own expense.

All the extra cost of widening over and above the width of 66 feet should be placed upon the city, and the city should say, within thirty days, whether they want that done or not. The city, of course, on passing the necessary by-laws and complying with them, has the right to widen the street; and therefore, if there was not any subway there, it would have the right to take the railway's property to widen the street as the circumstances are to-day.

We propose to hold up the work for thirty days to give the city an opportunity of saying definitely what it wants to do with regard to the widening. There is a certain amount of reciprocity about this holding up, because we know the city is anxious to have works done in other parts of the city which the railways have not done; and, therefore, it is not unfair that the railways should delay work at this point and give the city an opportunity to pass the necessary by-law if it desires to do so.

The widening, we are told—if it is done at all—will be entirely on the west side, so that will not interfere with the railway company's work on the east side. That is determined now. They will build abutments suitable for an 18-foot headroom subway.

Mr. LEONARD: I understand, then that the city has definitely decided to have 18-foot headroom, so we can go ahead and base our plans on that.

The ASSISTANT CHIEF COMMISSIONER: Yes.

Mr. GEARY: The application is for 18-foot headroom, the company to pay the cost. They may change their mind. They will have to pay that. That is all.

Mr. LEONARD: Let me suggest that in their judgment they also definitely decide within thirty days.

Mr. GEARY: As to the whole thing.

Mr. LEONARD: So we will have the whole thing closed up within thirty days.

The ASSISTANT CHIEF COMMISSIONER: We will go back to the original order within thirty days.

Mr. GEARY: There is one other point, Your Honour, in regard to this. There was a term in the order allowing the cutting out of the hump and levelling the approach, under which the railways pay the extra cost of construction of, I forget the amount, but about \$16,000 or \$17,000. The land damages were to the city, and some \$16,000 or \$17,000 to the railway company.

The ASSISTANT CHIEF COMMISSIONER: I think there was some arrangement like that.

Mr. MACMURCHY: The order is No. 17390 of the 31st of August. The cost of flattening to be paid by the railway companies, the land damages and cost of carrying out the work.

Mr. GEARY: That is all I said, the cost of flattening to be paid by the company.

Mr. LEONARD: That is all withdrawn now on this application. In fact, Mr. Chairman, if they accept the 18 feet there is only one possible way of doing it, and that is that we go ahead and put down our foundation to permit them at any future time to be named to make it 18 feet, and that we go ahead and make the approaches on the 5 per cent. Then, the apportionment of the damages under the original order can be arrived at when the Board decides it. But you can readily understand—take the very case I mentioned just now of the Dominion Bank, where under the original order the depression opposite them on the street is less than 18 inches, whereas it will be over five feet under the city's plan, and you can never settle how much of that is additional on account of the 18 feet.

Mr. TEMPLE: There is no way of dividing it.

Mr. LEONARD: So the only way is to go ahead and build the subway according to the original order, but provide for the 18-foot headroom. That ought to be a matter of agreement between the parties.

Mr. GEARY: We will let you know definitely in thirty days whether we will retain the levelling order, or this new one.

The city appealed to the Governor General in Council from the said judgment. Appeal still pending.

THE CAMPBELLFORD, LAKE ONTARIO AND WESTERN RY. CO. VS. THE GRAND TRUNK RAILWAY COMPANY OF CANADA.

IN *re* an application of the Campbellford, Lake Ontario and Western Railway Company for authority to cross a wye (Y) on the south side of the tracks of the Grand Trunk Railway in the town of Cobourg, Ontario.

Judgment, Commissioner Mills, February 20, 1912:—

There is no doubt about the granting of the application for authority to cross the wye (Y) in question: the chief engineer of the Board will decide as to the nature and extent of the protection to be provided at the crossing; and, the question regarding seniority or priority in relation to each arm of the wye (Y) having been referred to me, I have examined the correspondence, the files, and the evidence given at the different hearings, and beg to report as follows:—

I find:—

1st.—That on the 16th of June, 1910, the Grand Trunk Railway Company applied to the Board for the approval of a plan of a proposed rearrangement of its tracks and the location of a new passenger station at Cobourg, Ontario; that the said plan shows, in white, the eastern arm of the wye (Y), where it had been for many years; and, in red, a proposed western arm of the wye (Y), one of the changes in the proposed rearrangement of tracks; that on the 27th June, 1910, the said application was heard

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in Toronto; that, on the 15th July, 1910, order No. 11273 was issued, approving of "rearrangement of the applicant company's tracks at Cobourg, as shown on the said plan," including the western arm of the wye (Y) in question; and that on the 28th June, 1911, order No. 14111 was issued, approving of the location and detail plans of the company's proposed passenger station and restaurant at Cobourg, Ontario.

(See file No. 14884; and evidence, vol. 109, page 9044.)

2nd.—That on the 18th November, 1911, the said Grand Trunk Railway Company applied to the Board for authority to take certain lands belonging to W. J. Crosson and the estate of the late J. G. Field, the lands being necessary for the construction and operation of the western arm of the wye (Y)—the one approved of on the 15th July, 1910; that, on the 5th December, 1911, the application for the said lands was heard in Ottawa; that Mr. Crosson, whose car works are a short distance south of the Grand Trunk tracks, was present at the hearing; the following statements were made by the parties named therein:—

"Mr. CROSSON: The Canadian Pacific Railway at the present time is surveying both sides of the road. My shops are laid out east and west. The Grand Trunk came and asked me for the privilege of going through my property. I consented. Since then the survey of the Canadian Pacific is going through and cutting up my shops at three different places. I should like to see this postponed, until we know exactly where the Canadian Pacific is going to locate. I have a shop there and they are bound to go through somewhere. I do not want to put up another shop and have it cut through."

"Mr. BIGGAR: I do not see why we should not have this piece of property to carry out the plan the Board has suggested. This property is required for the purpose of carrying out the rearrangement of tracks the Board proposed some years ago."

and after some discussion it was agreed that the Grand Trunk Railway Company would take up the eastern arm of the wye (Y) in question, and give the land covered by it to Mr. Crosson in exchange for the amount of his land required for the western arm of the wye (Y); and Chief Commissioner Mabee closed the proceedings in the following words:—

'Hon. Mr. MABEE: Then, Mr. Biggar, you will have to have a description of this land prepared showing the land—first that which will go in the Order belonging to the Field estate necessary for the purpose; secondly, the description of the land that Mr. Crosson has to convey to you between the Field property and your connection at the west end; and thirdly, the property that you are to convey to Mr. Crosson in exchange.'

(See file No. 18726; and evidence, vol. 138, page 8854.)

3rd.—That Vice-President Kelly having objected to the removal of the eastern arm of the wye (Y), the company appears to have made other arrangements with the two landowners; and Mr. W. H. Biggar, general counsel for the Grand Trunk Railway Company, wrote the Board on the 25th June, 1912, saying:—

'We have arranged with Mr. Crosson and the Field estate for the lands required to be taken from them for the purpose of the above connection, and it will therefore not be necessary to obtain an order authorizing us to take their lands, but we would be glad to receive, as soon as possible, the order approving the new location of the connection. This, I presume, we would require under section 167 of the Railway Act.'

and that, on the 26th June, 1912—after the receipt of the above letter—order No. 16397 was issued as follows:—

'Upon the hearing of the application at the sittings of the Board held in the city of Ottawa on the 5th day of December, 1911, in the presence of counsel for the applicant company, Mr. Crosson, one of the landowners affected, appearing in person, and what was alleged; and upon its being represented to the Board that since the hearing the applicant company had arranged with the landowners affected for the purchase of the necessary lands required to be taken—

'It is ordered that the revised location of the applicant company's new track, as shown on the said plan dated May 28, 1912, filed with the Board under file No. 18726, be, and it is hereby, approved.'

(See File No. 18726.)

4th.—That on the 11th July, 1912, Mr. E. W. Beatty, general solicitor for the Canadian Pacific Railway Company, applied to the Board 'for authority to cross the Grand Trunk Railway Company's proposed spur shown in green on the plan at mile-age 120 (from Glen Tay) in the town of Cobourg'; and the said plan shows that the so-called spur is the western arm of the wye (Y), dealt with by order No. 11273, on the 15th July, 1910, and Order No. 16897, on the 26th June, 1912, that, on the 3rd December, 1912, the said application was heard in Ottawa; and judgment was reserved for advice from the Board's engineers as to the character of the protection required at the proposed crossing, and to allow the companies to state in writing what further they wished to say on the questions of seniority and the nature of the protection which they thought should be installed.

Mr. Beatty and Mr. Biggar put in written statements of their views, repeating certain facts and arguing from their respective points of view; and the case now stands for final action by the Board.

(See evidence, vol. 166, page 11511; also files No. 14884, No. 18726, and No. 3701-65.)

Regarding the question of seniority, the facts are clear, and I think there is no room for doubt as to the conclusion which naturally, and of necessity, follows therefrom.

The plan showing a rearrangement of the G.T.R. tracks, including a western arm to the wye (Y) in question, was unconditionally approved by the Board on the 15th July, 1910 (order No. 11273); and, after the application to take certain lands, it was again approved unconditionally, on the 26th June, 1912 (order No. 16897). The C.P.R. application for authority to cross the said arm was made on the 11th July, 1912; and Mr. Beatty, in his letter dated December 9, 1912, said 'I do not propose to urge that this company is senior at the crossing of the new spur—that is, the one to the west.'

The eastern arm of the said wye (Y) was constructed over thirty years ago; and apparently no one thought of disturbing it till the question was raised during a discussion between the company and Mr. W. J. Crosson regarding the expropriation of some of Mr. Crosson's land for the construction and operation of the western arm, when Mr. Brownlee, for the G.T.R. orally agreed to remove the eastern arm of the wye (Y) and give Mr. Crosson a certain portion of the site occupied by the said eastern arm in exchange for the portion of Mr. Crosson's land required for the western arm. Action by the Board was delayed for a description of the lands to be given and taken in exchange; and, on the 25th June, 1912, Mr. Biggar, for the G.T.R., wrote the Board that Vice-President Kelley had objected to the removal of the said eastern arm, and that the company had "arranged with Mr. Crosson and the Field estate for the lands required to be taken" for the western arm; so the eastern arm of the wye (Y) was not disturbed. The proposal and agreement to remove it was wholly a matter between Mr. Crosson and the company; the agreement was not carried out; another arrangement was made; and the arm in question was not removed.

On this statement of facts, it seems clear that the Grand Trunk Railway is senior as respects both arms of the wye (Y) in question.

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C.P.R. SIDING NEAR CARBERRY, MAN.

PETITION, farmers in the district of Pheasant Point, near Carberry, Manitoba, that the Canadian Pacific Railway Company construct a siding on their line at that point.

Oral judgment delivered by Chief Commissioner Mabee, at the close of the hearing, March 25, 1912:—

I am afraid in this matter we cannot make any order. It would no doubt be a convenience to these gentlemen to have this siding. It would save them a certain distance in hauling their grain. They are also labouring, apparently under a drawback because of the hilly nature of the country. But there are other features that preponderate. Some six or seven miles apart is generally the limit of stations. That leaves perhaps three or four miles as the farthest anybody has to draw.

If these people could get this siding, they would save two or three miles in drawing out their grain; but if we required one railway company to put in a siding between two stations where sidings would be within three miles or thereabouts of a station, we would have to apply the same principle to all railway companies; and if we granted the request of these gentlemen, we would have to grant the request of others under similar circumstances.

It does not seem to us good practice or good policy. Every break in the main line is an additional danger and an additional liability to accident, and so on. It should not be permitted or required unless for the gravest reasons.

In this case, these gentlemen only have about three miles farther than if they had the siding at this point. It would never do to require companies to put in sidings every three or four miles along their railway line. It would, probably, in the end, bring about greater inconvenience than it would convenience.

We will have to refuse this petition.

FENCING C.N.R., NUTANA, SASK.

COMPLAINT of the municipality of Nutana, Sask., relative to Canadian Northern Railway Company not fencing their right of way through that municipality.

Oral Judgment delivered by Chief Commissioner Mabee at the close of the hearing, March 20, 1912:—

Two or three years ago, upon the complaint of a large number of municipalities in Manitoba and Saskatchewan, and after hearings at a number of cities in those provinces, and after having received complaints innumerable from farmers and settlers whose cattle and horses and stock had been killed upon the railways, where the rights of way were unfenced, we made an order requiring the railway companies to fence the unfenced portions of their rights of way in these provinces on or before a fixed date. The railway companies, or some of them, appealed to the Supreme Court, and the Supreme Court held that we had exceeded our jurisdiction in making a general order of that character, and that we should have confined the order to some specific locality.

Now, we have a complaint here of a specific locality that is unfenced. We all know that this road has been built for many years; that it goes through a thickly settled, highly cultivated, and rich agricultural district; and that it is a section of country through which a railway should have been fenced long ago.

In this case an order will go that the Canadian Northern Railway Company fence all of the unfenced portion of the right of way along the Qu'Appelle, Long Lake and Saskatchewan Railway, between Saskatoon and Regina, on or before the first day of November, 1912; that these fences shall be of the character and description described in the Railway Act, namely, fences of the character that will turn cattle and other animals; and that, for every day's default, if any, after the first day of November,

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1912, the company shall be assessed the sum of fifty dollars per day by way of a penalty.

Assistant Chief Commissioner Scott, and Commissioners Mills and Goodeve concurred.

Ordered accordingly.

C.P.R. BRIDGE OVER THUNDER CREEK, SASK.

PETITION of Local Improvement District No. 161, Sask., for an overhead bridge on the highway between ranges 26 and 27, W. 2 M., over the tracks of the C.P.R., carrying such bridge over Thunder creek.

The facts are fully set forth in the judgment.

Oral judgment delivered by ASSISTANT CHIEF COMMISSIONER SCOTT, at the close of the hearing:—

In this matter an application was made by the local improvement district. At that time this highway was the boundary line between the local improvement district and the city. That is, the highway between ranges 26 and 27 west of the 2nd meridian. Since then the city limits have been extended farther west, and this is wholly now within the limits of the city of Moosejaw.

Under these circumstances, we do not think that the local improvement district should be called upon to pay any share of the cost of the bridge on what is now a city street, in the city of Moosejaw. Apparently, it is necessary that the bridge should be built and should be built as shown on this plan submitted by the C.P.R. The only point remaining is to apportion the cost of the work between the parties who are interested. We can give, and will give, twenty per cent of the cost of the total bridge out of the Government fund, that is the Railway Grade Crossing Fund. The contribution cannot exceed \$5,000, under the Act, but twenty per cent of the total cost of this would be about \$5,000.

We feel that there is something in the contention of the city that they are not concerned with the portion of the bridge which covers the C.P.R. yard. The C.P.R. have through tracks there, and the city, of course, should contribute towards the cost of the portion of the bridge which will go over those tracks, but the C.P.R., for its own purpose, is widening out this yard, and we think that that is not a matter in which the city should be called upon to contribute any portion of the bridge covering the yard.

We therefore think that the contribution of the city, bearing in mind what I have said, towards the work should be \$5,000, the balance to be paid by the railway company; that is, twenty per cent of the cost of the whole bridge out of the Railway Crossing Fund, \$5,000 from the city of Moosejaw, and the balance to be contributed by the railway company.

The maintenance of the road and the sidewalk on the bridge to be looked after by the city.

Commissioners Mills and Goodeve concurred.

Order accordingly.

CARLOAD RATING ON GRAMOPHONES IN THE CANADIAN CLASSIFICATION.

APPLICATION of the Berliner Gramophone Company, of Montreal, P.Q., for an order directing railway companies to provide a carload rating on and to include gramophones in the musical instrument list of the Canadian classification.

The facts are fully set out in the judgment.

For judgment see page 38.

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GAS HOUSE COKE RATES OUT OF TORONTO AND HAMILTON.

Heard at Toronto, October 24, 1911.

The facts are fully set out in the judgment.

Judgment, Assistant Chief Commissioner Scott, April 22, 1912:

Complaint has been made to the Board by the Consumers Gas Company, of Toronto, that the rates on gas-house coke from Buffalo to Hamilton, Brantford and Toronto, create an unjust discrimination in favour of Buffalo against Hamilton and Toronto. The following table, showing the mileage, the rates, and the approximate rates per ton per mile between the points in question in this matter, clearly shows substantially lower rates on gas-house coke out of Buffalo than Hamilton or Toronto:

	Mileage.	Present Rates.	Approximate Rates per Ton Per Mile in Cents.
From Buffalo (Black Rock)—			
To Hamilton.. . . .	66	50	7
" Toronto	99	60	6
" Brantford	72	70	1
From Hamilton—			
To Bridgeburg	66	90	1.5
" Toronto	39	70	1.7
" Brantford	25	60	2.4
From Toronto—			
To Bridgeburg	99	1.00	1
" Hamilton	39	70	1.7
" Brantford	60	90	1.5

The rate of 50 cents to Hamilton and 60 cents to Toronto per net ton of 2,000 pounds on gas-house coke has been in effect for some years. It was pointed out to the railway companies by the Consumers Gas Company of Toronto that these rates unjustly discriminated against Toronto, and in an effort to remedy the condition of affairs the rates out of Buffalo were, in December, 1910, increased by the railway companies to 80 cents to Hamilton and \$1 to Toronto.

Complaint was made by Messrs. Thomas Miles & Sons, Limited, of Hamilton, who sell coke, the product of a gas company in Buffalo, that they were practically put out of business by the increase in the rates they had been paying for years on coke from Buffalo.

Their complaint was heard by the Board at a sittings held in Toronto on February 28, 1911, and in a memorandum of the Chief Commissioner, dated March 9, 1911, concurred in by the other members of the Board who heard the complaint, it was decided that the railway companies had not justified the increase in their rates from Buffalo to Hamilton and Toronto, and they were ordered to re-establish the old rates. The order of the Board to that effect was issued on the 14th of March, 1911, and is No. 13,215.

The old order of affairs having been re-established, the Consumers' Gas Company of Toronto then launched the present application to the Board for a reduction of the rates on gas-house coke out of Toronto. The railway companies endeavoured to re-open the whole matter and justify the increase they had made on their Buffalo rates which had been disallowed by the Board, but the Board declined to permit the railway companies to do so.

For the purpose of this case, then, we must take the rates from Buffalo to Hamilton of 50 cents, and to Toronto of 60 cents as being on a settled basis. It is quite clear that the present condition of affairs amounts to an unjust discrimination against Hamilton and Toronto, and as the rates from Buffalo to those points are, as I have said, definitely fixed by the Board, it merely remains for us to readjust the rates out of Hamilton and Toronto so that the unjust discrimination at present existing will be removed.

As will appear from the approximate rates per ton per mile, shown in the table above, there is no definite relation on a per ton per mile basis of one rate to another;

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but, taking as an example the 70-cent rate from Buffalo to Brantford for a distance of 72 miles, we find that it is approximately a cent per ton per mile.

If we take that rate from Buffalo to Brantford as an approximate basis and establish a minimum of 50 cents, the following rates may be arrived at:—

		To Hamilton. Cts.	To Toronto. Cts.	To Brantford. Cts.	To Bridgeburg. \$ Cts.
From	Hamilton..	..	50	50	50
"	Toronto..	50	..	60	1 50

If these rates were established, the preference in favour of Buffalo would be wiped out. Those at present enjoying the low rates out of Buffalo would continue to have them, and the railway companies would only be putting into effect rates upon a basis they had themselves established, and which, until complaint was made, they were apparently satisfied with. The rates from Buffalo to Toronto of 60 cents and from Toronto to Bridgeburg of \$1 are inconsistent; but I do not understand that there is much, if any, movement of coke from Toronto to Bridgeburg, and these rates cannot be brought into line without such a rearrangement of rates that is not warranted under the present circumstances. As the rate from Toronto to Bridgeburg is probably only a paper rate, no one is affected by it.

I therefore suggest that these proposed rates be made effective on the 15th of May next, and that the rates to points west of Toronto, and adjacent to Hamilton or Brantford, be placed in line with them.

It has been said that the rates on coal have heretofore been the same as those on coke. The present case is based on special circumstances, and the rates I now suggest need not be taken as a criterion in the establishment of rates on other commodities in the future to which the special circumstances in this case do not apply.

Chief Commissioner Mabey and Mr. Commissioner McLean concurred.
Order accordingly.

APPLICATION OF CANADIAN PRESS, LIMITED, RE PRESS TELEGRAPH TOLLS.

Heard at the Toronto sittings, May 1, 1912.

The facts are fully set out in the judgment.

For judgment see page 35.

STOP-OFF ARRANGEMENT WITH RESPECT TO CANNED GOODS.

On the APPLICATION of the British Canadian Cannerns, Ltd., the Grand Trunk Railway to show cause why the stop-over arrangement with respect to canned goods, as shown in item 1 of the company's special freight tariff C.R.C. No. E. 2374, applicable west of Toronto only, should not be extended so as to include Bowmanville and Cobourg as stop-over points.

Oral judgment delivered by Assistant Chief Commissioner Scott at the close of the hearing, July 29, 1912:

The railways operating from the Niagara Peninsula westward in Ontario now grant stop-over privileges to the Dominion Cannerns Company, and, I suppose, to any other company operating there, but chiefly to the Dominion Cannerns Company; and the application is made by their competitors, the British Canadian Cannerns, asking for stop-over privileges at two points east of Toronto, that is, at Bowmanville and Cobourg.

The Board is of the opinion that the circumstances to-day amount to an undue preference in favour of the territory west of Toronto to the prejudice of these two points, Bowmanville and Cobourg.

Without deciding on the merits of the question of stop-overs, and without deciding any general principle at all, we are of the opinion that, there being an undue prefer-

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ence to-day to the detriment of Bowmanville and Cobourg, the application for stop-over at Bowmanville and Cobourg should be granted.

Mr. DRYDEN: Mr. Chairman, how about other canning factories east of Toronto; would they be included in that?

The ASSISTANT CHIEF COMMISSIONER: The only application before us is for stop-over at these two points. We have granted that.

Commissioners Mills, McLean, and Goodeve concurred.

Order made that stop-over privileges granted by the railway companies operating from the Niagara Peninsula, westward, in the province of Ontario, be granted the applicants at the two points east of Toronto, namely, Bowmanville and Cobourg, in the province of Ontario.

APPLICATION, Fullerton Lumber and Shingle Company, Vancouver, B.C., for an order directing the Great Northern Railway to refund amount alleged to be over-charged by the railway companies on a carload of lumber from Tynehead, B.C., to Winnipeg.

Oral judgment, delivered by Assistant Chief Commissioner Scott, at the close of the hearing, July 28, 1912:

It appears that this carload of lumber in being shipped was described as "common cedar rustic." There is no classification of rustic cedar. The classification says cedar of certain characters and then "not otherwise specified" takes a certain rate. We think the railway company was justified in putting it under the class which is "not otherwise specified" and putting it at the higher rate, that is, the 50-cent rate. It is unfortunate that this mistake has been made by the shipper of the carload, but that is not the railway company's fault. This matter came up last year, and the applicants should know that it should not be coming up constantly. This Board cannot be used as a body to rectify mistakes of this kind. We think the railway company was right in charging at the 50-cent rate, and we cannot give any relief.

The application is refused.

Commissioners Mills and Goodeve concurred.

Order accordingly.

CADWELL SAND AND GRAVEL COMPANY V. GRAND TRUNK RAILWAY COMPANY.

The Cadwell Sand and Gravel Company, Limited, of Windsor, complained of the increased rate on pressed brick from Bradford, Pennsylvania, to Windsor, Ontario, from \$1.60 to \$2 per ton, and applied for an order directing that the proportion of this 88 cents increase per ton, which accrued to the Grand Trunk Railway as its percentage division of the joint rate of \$1.60 per ton, be restored by the Grand Trunk. After hearing, an order in the terms of the application issued, and the railway company was given a certain length of time from the date of the order within which it should become effective.

A later order issued postponing the effective date until such date as the Board, after a rehearing, should determine.

Upon the rehearing, the previous orders were rescinded and the application of the complainants refused.

For judgment see page 44.

TELEPHONE RATES IN THE CITY OF MONTREAL.

The facts are fully set forth in the judgment of Mr. Commissioner McLean.

APPLICATION of the city of Montreal, P.Q., for an order:—

(a) Requiring the respondent to abolish its present charges of fifty-five dollars per annum for business telephones, and thirty-five dollars per annum

for residence telephones and to substitute therefor the following tariff, viz., fifty dollars per annum for business telephones and thirty dollars per annum for residence telephones.

(b) Requiring the respondent to abolish its extra mileage rates of five dollars for each one-quarter of a mile, or fraction thereof to subscribers whose premises are located within the corporate limits of the city of Montreal as at present constituted, and that the citizens of Montreal to whom the aforesaid extra mileage rates at present applies, or would apply if they became subscribers to the respondents' service, be charged such rates for telephone service as the Board may decide to be equitable.

(c) Requiring the respondent to operate its pay stations in such manner as will ensure that no payment be collected from the person using any of the aforesaid pay stations in event of it not being possible to effect a conversation with the person called. File 3574.32.

APPLICATION of the Bell Telephone Company under section 4 of 7-8 Edward VII, chap. 31, for order authorizing an amendment to its schedule or tariff of tolls to be charged in the exchange limits of the city of Montreal, C.R.C. No. 1435, and for cancellation and abolition of the following rates provided in a schedule:—

Initial Blake wall set, business, \$50.

Initial Blake wall set, residence, \$30.

COMPLAINT of S. J. Thompson, of Cartierville, P.Q., relative to exorbitant rate asked by the Bell Telephone Co. for connection with Montreal, P.Q.

COMPLAINT of the Publishers' Press, Limited, of Montreal, P.Q., alleging inadequate service furnished by the Bell Telephone Co.

COMPLAINT of F. W. Sharpe, Montreal, P.Q., against the additional charge of \$5 by the Bell Telephone Company, for the use of long distance telephone receiver.

COMPLAINT of J. Birchenough, Montreal, P.Q., relative to alleged exorbitant charge of the Bell Telephone Co., for connection with his house in St. Denis ward, For judgment see page 19.

USE OF BAY OF QUINTE RAILWAY'S SIDING BY C.P.R.

IN THE MATTER of the use of the Bay of Quinte Railway Company's Houston siding by the Canadian Pacific Railway Company.

The facts are fully set out in the judgment.

Judgment, Assistant Chief Commissioner Scott, August 16, 1912:—

The application, dated the 8th November last, asks for an order—

“to settle the terms relating to the interchange of traffic between the Bay of Quinte and the C.P.R. at Tweed, and all arrangements relating thereto, and to determine and settle the terms upon which the Bay of Quinte Railway Company shall be at liberty to use the C.P.R. Company's lands for the purposes aforesaid, and to extend the time within which the Bay of Quinte Railway Company shall be obliged to take up and remove its tracks from the lands of the Canadian Pacific Railway Company under a certain Agreement, and generally to deal with the existing situation at the locality aforesaid.”

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When the matter came on for hearing we were informed by counsel for the applicants that most of the points in dispute between the two companies had been settled, but that they desired the Board to determine what conditions should govern the use of the spur into the Houston planing-mill by the Canadian Pacific Railway Company. The applicants are quite willing that the siding should be used by the Canadian Pacific Railway Company, but desire that it should pay them one dollar a car for each car passing over the siding. The statement that the C.P.R. take in about one hundred cars, and the Bay of Quinte Railway about fifty cars in a year, was not disputed. The companies agree that each should use its own engine in placing cars on this siding. The Canadian Pacific in such a movement would go over the diamond crossing on the Bay of Quinte Railway Company's tracks, which crossing is maintained by the latter company, and will use about 2,400 feet of that company's tracks in reaching the mill.

Prior to the 15th of August, 1906, the two companies had many points of difference between them in connection with their terminals at Tweed. These were all settled, as appears by an agreement between the two companies of that date, certified copy of which has been supplied to the Board. Clause 5 of that agreement is as follows:—

"5. The Quinte Company grants unto the Pacific Company the right, during the continuance of this agreement, to place on the Quinte Company's siding known as the Houston siding, by means of its own engines, cars to or from the Houston Company consigned to or from points on the Pacific Company's lines, free of charge, and waives any claim to compensation for the use heretofore made of said siding by the Pacific company."

And clause 9, which relates to the termination of the agreement, is as follows:—

"9. This agreement shall continue for a period of five years from the date hereof, but either party shall have the right to terminate it before the expiry of the said period at any time in their discretion upon giving to the other party three months' notice of their intention so to do, without becoming responsible for any damage or compensation by reason of such termination by notice, and at the end of such period of three months, the present agreement shall ipso facto terminate, and from and after the said time the use by either party of the property of the other party shall cease."

There is some dispute between the companies as to whether the Houston spur crosses some property of the Canadian Pacific Railway Company or not. At the hearing we requested that we be supplied with a plan, prepared after a survey, to determine this fact. That plan has not been sent in, but in the view I take of this matter it is not necessary. The Canadian Pacific Railway Company cannot dispute the legal right of the applicants to maintain the spur.

It was stated that although, by paragraph 9 of the agreement, it had terminated by efflux of time, still the parties were continuing some of the arrangements brought about by that agreement.

I am not concerned with the other conditions in the agreement, or what subsequent arrangements have been made between the companies on other points. As far as the Houston spur is concerned it seems to me that the rights which the Canadian Pacific Railway acquired to use that spur free of charge expired under clause 9 five years after the date of agreement, which was on the 15th of August, 1911. Therefore the Canadian Pacific Railway Company has no legal right to use the spur. The Bay of Quinte Railway Company is agreeable that it should continue to use it as it has been using it, but desires the payment of a toll of one dollar per car. I presume that means one dollar per loaded car, and that the movement of the empty in the opposite direction would not be charged for. It seems to me this is not an unreasonable amount for them to ask for such benefit and I think an order should go granting it.

Commissioner Goodeve concurred.

TEMPORARY INCREASE OF DEMURRAGE CHARGES.

APPLICATION of railway companies for order permitting a temporary increase of demurrage charges.

The facts are fully set out in the judgment.

For judgment see page 78.

RATES ON RICE.

APPLICATION of the Imperial Rice Milling Company, of Vancouver, B.C., for reduction from the present freight rates on rice and broken rice (or brewers' grits) from Vancouver to points west of and including Calgary to Winnipeg, inclusive.

Oral Judgment delivered by Commissioner McLean at the close of the hearing, November 29, 1912:—

The situation seems to be one in which we have to deal with rates within Canada. Foreign rates have been referred to, but we have not been informed exactly what they are. Even if the rates from New Orleans were on a lower basis, these would be rates in the United States, over which this Board has no control. The application seems to narrow itself down to the question of the rates from Vancouver to Winnipeg versus the rates from Montreal to Winnipeg.

Now, so far as the rate basis is concerned, you have between Montreal and Winnipeg the lake and rail rate of sixty-five cents. That is a competitive basis. So far as the rail comparison is concerned, it is shown that Vancouver has an advantage of one cent over Winnipeg, so that there does not seem to be any rate discrimination.

As to the question of lower cost, and its bearing on the rate adjustment, it is stated that rice brought in from Rangoon, via Montreal to Winnipeg, is a lower-priced article than rice brought in from Japan, and that the latter is therefore at a disadvantage in point of trade competition. That is a question of the cost of the material. The Board has ruled in other cases that what it is concerned with is seeing that the rates are on a relatively equal basis; it is not its function to equalize costs of production.

It appears to me, on the material submitted, a case for rate revision has not been made out.

Chief Commissioner Drayton concurred.

Order made, dismissing application.

NEW TARIFFS OF CARTAGE TOLLS.

CONSIDERATION of the new tariffs of cartage tolls of the railway companies, the effective dates of which have, by Orders of the Board, been postponed to December 31, 1912.

The facts are fully set forth in the judgment.

For judgment see page 67.

COMPLAINT OF W. H. D. MILLER, OF MONTREAL, *re* SWITCHING AT MILE END.

Judgment, CHIEF COMMISSIONER DRAYTON, January 3, 1913:—

Two cars arrived at Outremont consigned to shipper's order, the railway company to notify Mr. Miller of arrival. Notice was given; and Mr. Miller says he ordered both cars to Moreau street by same telephone message. Agent says he ordered one to Moreau and one to Hochelaga. One car was sent to Moreau and was unloaded; the other went to Ontario street, where Miller's consignee refused to unload it; and there it now stands under demurrage. Moreau and Ontario street team-tracks are all in Hochelaga yard; and I would allow the complaint for these reasons: First, the consignee wrote the agent the following day confirming his telephone message, and this

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letter orders both cars to Moreau street; second, the same man, Hogg, was to unload both cars, and consequently he would more than likely want them at the same place. Third, I think if there is any conflict over a verbal or telephone conversation, the benefit of the doubt should go to the shipper, particularly as in this case. Miller's interpretation is confirmed by his letter.

It should be borne in mind that this situation does not in any way conflict with the ruling of the Board in the Canadian Cement case. The shipper has the right to have his car placed; but that right is subject always to the requirements of other shippers, and to the possible accommodation available. Had the Canadian Pacific Railway Company been unable, by reason of the demands of other shippers, to place the second car as Miller had desired, the ruling of the Board in the Cement case would apply. The railway company has not pleaded the situation which was apparent in the Cement case. The company, therefore, must assume the onus of the mistake or misunderstanding, and move the car to Moreau street for unloading at its own cost and charges; and there should be no charge for demurrage consequent upon the failure so to place the car in the first instance.

Commissioners Mills and Goodeve concurred.

MONTREAL BOARD OF TRADE "RE" RATES ON EX-LAKE CORN FROM GEORGIAN BAY PORTS
TO MONTREAL.

APPLICATION of the Montreal Board of Trade for an order (a) reducing the rate on ex-lake corn from the Georgian Bay ports to Montreal to the same basis as in effect on ex-lake wheat, barley and oats; (b) directing the Canadian Pacific Railway Company to apply the mileage basis as in effect in Ontario and Quebec, as shown in the company's tariff C.R.C.E.-1929, on cornmeal shipped from Montreal to the company's points in New Brunswick.

The facts are fully set forth in the judgment.

For judgment see page 71.

COMMODITY RATES ON WIRE FENCING.

APPLICATION of Montreal Board of Trade for commodity rates on wire fencing, from Montreal, westward.

The facts are fully set forth in the judgment.

For judgment see page 58.

RATES ON SUGAR.

COMPLAINT of the British Columbia Sugar Refining Company, of Vancouver, B.C., relative to alleged discrimination shown by Canadian railways in rates on sugar in favour of eastern refineries to points in the western provinces.

The facts are fully set forth in the judgment.

For judgment see page 63.

INTERNATIONAL PULPWOOD RATES.

APPLICATION of International Paper Company *et al.*, v. Grand Trunk Railway Company *et al.* *Re* International Pulpwood rates.

The facts are fully set forth in the judgment.

Judgment, Chief Commissioner Drayton, February 24, 1913:—

On the 19th of August, 1912, the International Paper Company of New York, and others, applied to the Board for an order pursuant to sections 26 and 323 of the Railway Act, disallowing certain joint tariffs purposing to increase the through rates on pulpwood from shipping points in Eastern Canada to manufac-

turing points in the Eastern States of the Union, which the Grand Trunk, Canadian Pacific, Canadian Northern Ontario, and Temiscouata Railway Companies had filed to take effect September 2, 1912; and on the 29th August, John C. Cane & Son, of Quebec, and a number of other Canadian producers and shippers, joined in the application. On September 1, the companies issued notices postponing the effective dates of these tariffs until November 1, 1912. Following the hearing of the application at Ottawa on the 15th October, by order No. 17826, the Board suspended the schedules until February 4, 1913, for the purpose of enabling the Board to consider the evidence submitted, and the written arguments to be filed; and by order No. 18577 of the 27th January, the suspension was extended to March 1, proximo. The matter is now ripe for adjudication.

The complainant's chief contentions are:

1. The plea of the railway companies that their present tariffs are the developed product of water competition is disproved by the tariff record itself.

2. The continuance of the rates since 1903 is presumptive evidence that the companies have considered them reasonably profitable, and disproves the contention that the tariff has not borne its proper share of the increased cost of railway operation, and are therefore too low.

3. The proper comparison of the local rates to the Canadian mills is with the through rates to the American mills, and not with the proportions accruing to the Canadian carriers.

4. The Canadian proportions of the proposed rates would be greater than the local rates to the points of connection with the United States railways.

Taking these in their order: The representatives of the railway companies maintain that their tariffs were constructed on the basis of water competition. Whatever the charges by the water channels may have been, it is reasonable to assume that the companies so framed their tariffs as to secure to the rails at least a full share of the traffic tributary to the rivers. If, by reason of greater density of traffic and higher working expenses, they now pay less regard to the water competition on this traffic, that is another matter. The Canadian Pacific North Shore line closely follows the St. Lawrence and taps its feeders, and the blanketing of that company's rates would, in the ordinary course, dictate a similar policy to the Grand Trunk on the south side, and the branch line rates would, on general principles, be proportioned thereto. The grouping of the inland mills of Jefferson county, N.Y., with those accessible to the water carriers via Sackett Harbour is merely an illustration of railway practice where long hauls are concerned.

In a communication from three of the applicant firms addressed to the railway traffic officers, and dated July 13, 1912, it is admitted that the 'element of water competition was probably the controlling reason for the establishment of the line rates typified by 8 cents from Levis to Fort Edward.' They also say, 'the traffic, which was then small, and originated probably in a large degree at the river landings where the element of water competition was most severe, now runs to heavy proportions, and originates at all Canadian points of origin in the St. Lawrence and tributary valleys covered by the highly important lines of rates already cited.'

A fact that seems to have been overlooked is that in the earlier years of these tariffs the home consumption of pulpwood was small compared with what it is to-day.

2. This presumption is clearly subject to the qualification that operating costs have maintained some measure of equilibrium, or have not materially advanced. It was stated on behalf of the carriers that their records were not so kept as to admit of the segregation of the cost of handling this particular traffic; but notwithstanding more efficient facilities, it has been fairly established from time to time that the expense of conducting transportation, following the universal tendency, has increased considerably during the past few years.

3 and 4. This argument ignores the conditional character of the rates of local mills. Under ordinary circumstances pulpwood would take the same local rates as

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other rough forest products; and with the assurance of the second haul of the pulp or paper products, the rates on the raw material have been reduced to a lower average even than for firewood. Whether the local rates of the Canadian companies are specifically conditioned on reshipment of the products, as the Canadian Pacific's are and the Grand Trunk's are not, is immaterial, since pulpwood is used for no other purpose than for manufacturing, and the consumption of paper from rail-hauled wood at the points of manufacture is small. This compensatory second haul, which is lost in the case of the through shipments, is, in my view, a governing factor in the case, and make unnecessary any minute consideration of operating costs. Under the existing schedules the proportions accruing to the Canadian companies from the through shipments rule lower than the rates paid by the Canadian manufacturers; and if, as proposed, they will average higher, the difference is much too slight to counterbalance the loss of the second haul, and they will still yield a much lower total revenue than the companies would receive were the wood manufacturers along their own lines. Apart from the second haul consideration; under the conditions of joint services and apportionment of the through rates between two or three, and, in some cases, four carriers, it is reasonable that the joint through rates should be on a higher basis than for similar distances on the line of a single company. Any comparison of these through rates with the local rates in Wisconsin seems to be open to the same objection as in this case. Counsel for applicants, in his argument, has misunderstood a reply of Mr. Kirkpatrick of the Canadian Pacific Railway Company, at page 10031 of the proceedings, regarding grinding in transit: Witness distinctly said, "it is a question of the rate in and the rate out."

This principle, that is, the right of the carrier to consider the resultant traffic as a reason for a lower rate on the original commodity, where drawn to points of manufacture on the carrier's line, is well established by the judgment of the Board in *Michigan Sugar Co. vs. Chatham, Wallaceburg, and Lake Erie Railway Company*, *Canadian Railway Cases*, vol. XI, page 353. There are, of course, objections to the principle. It may well be that the original shippers should obtain, in all instances, the same rates on the rough commodity; but it is impossible to discontinue the application of the principle in this case without a complete revision of existing tariffs, which have been, in many cases, built up entirely having regard to it.

The proposed through rates are not attacked as unreasonable *per se*. They are lower than the through rates between the same points on other rough forest products, which are usually classed together, and into the rating of which relative values do not enter. As these have been in force for some time and have not been the subject of complaint, they may fairly be assumed to be reasonable; therefore, the disputed rates on this particular forest product may fairly be considered reasonable also.

The consideration of the rates on other rough forest products shows very strongly that the former pulpwood rates were put in force with a view of stimulating a comparatively new business largely irrespective of resultant profit to the railway company, or that the rates were the result of other and outside considerations pressed upon the railways, having to do, perhaps, with their American connections.

Under the caption of 'lumber,' among other rough products, the following commodities moved: Bark, bolts and billets, hoop and hop poles, and fence posts and rails.

There can be no reason why, apart from some special or extraordinary circumstances, these rough forest products should not get at least as good rates as pulpwood, yet, with the proposed increase, the rates that forest products, other than pulpwood, take to Fort Edward, N.Y., are as follows:—

	Cts.	Pulpwood Cts.
From Batiscan	14	10
" Three Rivers	13	9
" Point Levis, Lyster and Donville	14	9
" Maniwaki	15	10½
" Nominiguet	14	10½

It is to be borne in mind that pulpwood would move under the lumber commodity tariff, which includes the rough forest products, if it had not been for the special rates previously put in force; and it is somewhat difficult to see that there should be such a distinction made in favour of pulpwood as against these other commodities.

The effect of the proposed increases is to add to the manufactured article in the American mill an extra cost of 56 cents for each ton of paper, the value of which is shown to be \$42.50. Mr. Guthrie argues, in his very complete factum, that the increased rate, resulting as it does in this sum, creates an unjust and unfair discrimination to the American buyer. He also argues, however, that the ultimate sufferers will not be the buyers, dealers or traders, but the producers, which, of course, satisfactorily removes any loss from the American buyer, who is claimed to be unfairly discriminated against by the increased rate. Discrimination there is none, the rates for Canadian delivery being based on the resultant traffic. Arguments have been advanced practically on the line of conservation of the country's resources, on the proposition that it is much better for Canada that this pulpwood should be used in it, and the like, and in my view, this Board has nothing to do with such considerations at all, and is not and should not be moved by any ulterior consideration or motive. If the rate is an improper rate, there is no reason in the world why it should be allowed to stand because an American mill absorbs the increase instead of the Canadian producer.

There is but one question open for our consideration—are the rates now attacked reasonable or not, having regard only to a proper consideration of the economical principles surrounding the service? I am of the view that they are reasonable.

As regards the rates of the Canadian Pacific Mont Laurier branch, however, the original rates of the Waltham and Nominique branches may have been constructed, considering the character of the Laurentian grades, the rates appear to be reasonably proportioned as between the Mont Laurier and Nominique sections, and with respect to the main line and other sections.

Objection is made to the withdrawal of the rates from the Canadian Pacific Railway stations west of Avonmore to and including Smiths Falls. While there may be little spruce along this line, at least one of the applicant firms is particularly interested in poplar, of which, it is stated, large quantities will move. The Canadian Pacific Railway Company expressed its willingness to establish rates on this traffic as required, but it is not just that shippers should be expected to wait thirty days before they can use the rates, even if granted. No good excuse was offered for the cancellation, and as the rates from Avonmore and stations immediately east are not being changed, those up to Smiths Falls must be restored.

Subject to this provision, I think the tariffs before the Board should be allowed; but in order to afford reasonable time for completing existing contracts, the effective date is further postponed to August 15, 1913.

Assistant Chief Commissioner Scott and Commissioners Mills and Goodeve concurred.

Order made refusing application and allowing tariffs of the respondent railway companies, increasing the rates on shipments of pulpwood, in carloads, subject to the condition that the rates from the Canadian Pacific Railway Company's stations west of Avonmore to and including Smiths Falls, in effect at the date of the order, be restored: Provided that such increase shall not become effective before the 15th August, 1912.

Judgment, Mr. Commissioner McLean, February 26th, 1913:—

The Board has already in various cases expressed the opinion that where a rate has been in force for a considerable time and business has been built up under this rate, that such rate by efflux of time becomes presumptively reasonable; and the Board had held that when this rate is increased, the burden is upon the railway to justify the increase. This has been limited by the principle which is recognized in the

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application of the Dominion Millers' Association regarding rates on grain products to the maritime provinces, that where rates had been held down below the normal basis by water competition it was permissible to raise these rates more closely to the normal standard when the water competition became less effective. I recognize that the Interstate Commerce Commission has, as a result of a decision by the Supreme Court, given much less weight in recent years to the presumptive reasonableness of a rate of long standing. Its decisions now show that a variety of other factors have to be considered, and the fact that a rate has been in existence for a period of years does not now remove from the applicant the onus of proof ordinarily existing when a rate is attacked as unreasonable.

The Board, however, has laid down the position that when a rate is increased the burden is upon the railway to justify this increase; and it has further held that general allegations as to increase of cost of service, etc., are not conclusive as to the reasonableness of the rate. Personally, I am of the opinion that the railway should adduce particular information as to the increase of the particular costs affecting the traffic in question, if increase in cost is to have any adequate weight in justifying the reasonableness of the rate attacked. In a recent decision of the Interstate Commerce Commission, *Geo. A. Hormel & Co. v. C. M. and St. P. Ry. Co.*, *et al*, 26 I.C.C. 1, 14, the following language occurs:—

“defendants introduced some testimony as to the increased cost of transportation by reason of higher price of equipment and greater wages paid employees, but such statements can have little weight when presented in the abstract with no attempt to locate charges or consider corresponding reductions in the cost of transportation resulting from greater efficiency.”

The railway state in the present case that it is impossible to so segregate costs as to give this information. That may be so as the statistics of the companies are at present kept. Not being convinced that the companies have conclusively discharged the onus which it seems to me rested upon them, I am unable to agree in the disposition recommended by the majority of the Board.

RATES ON APPLES.

COMPLAINT from the Simcoe Fruits, Ltd., Barrie, Ont., per R. A. Thomas, relative to G. T. R. Tariff C. R. 103 and C. R. 111, which does not provide for refund on less than carload shipments of apples; and

APPLICATION of the Fruit Growers' Association of Ontario, under section 317, for an order directing that all railways subject to the Parliament of Canada shall allow part carloads of fruit charged at carload rate and weight from original point of shipment to final destination, to be stopped in transit for completion of load at an additional charge of \$3 per car for each stop.

The facts are fully set forth in the judgment.

Judgment, Mr. Commissioner McLean, February 26, 1913:—

Application is made for stop-over for completion of carloads of fruit in transit, or, in the alternative, for the restoration of the special rate on part lots to concentration centres. Application is also made for reimbursement for slatting supplies for the floors of cars by shippers.

It is established by various decisions of this Board, as well as by decision of the Interstate Commerce Commission, that the transit practice is a privilege, not a right. The following language expresses the position of the Board as set out in the judgment in connection with the application of the Board of Trade of Montreal for an order directing the C. P. R. Co. to furnish tariffs covering milling-in-transit arrangement

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on corn received at Montreal by rail from Georgian Bay elevator ports and from Detroit, etc., file 12384:—

“We cannot require a railway company to establish a milling-in-transit rate on anything; it is optional with them to do it. If they choose to do it themselves, then they may get under our jurisdiction if it discriminates against anybody. But in the absence of any milling-in-transit rate on corn for local consumption, I do not see how it can get under our control at all. We cannot require them to put in such a rate as I understand it. If they do it and then if discrimination follows, it would come under the discrimination clause.”

The same position applies here. Discrimination not having been established, the Board is without power to direct that this privilege shall be given by the railway.

In the matter of the application for the restoration of the special rate in part lots to concentration centres, the situation as disclosed by the Board's records appears to be as follows: From December 10, 1904, when tariffs were first filed under the Act (and probably much earlier), down to March 28, 1911, both the Grand Trunk and Canadian Pacific carried apples to concentration points for storage, inspection, or completion of carload and reshipment, at a reduction of one-third from the local tariff rates. The combination of the in and out rates was not to be less than the through rate from the first shipping point to the final destination, plus 2 cents per 100 pounds, and if to the concentration point a joint route had to be used, the reduction applies only to that portion of the earnings of the company that received the second haul, or reshipment, from that point. On March 29, 1911, the arrangement was modified by withdrawing the completion-of-carload concession, and restricting the storage and inspection privileges to carloads.

The railways have not satisfactorily justified the abrogation of the arrangement which has been shown to have been in existence in Ontario for a number of years; and an order of the Board should go directing the re-establishment of the hitherto existing arrangement—this to be effective within thirty days.

The second phase of the application is concerned with the determination of the allowance to shippers for slatting furnished by them for the floors of refrigerator cars. From the evidence, the allowance is desired in connection with soft fruits, e.g., peaches and plums. It will be sufficient at present to require the Grand Trunk, the Grand Trunk Pacific, the Canadian Pacific, and the Canadian Northern to notify the Board not later than April 15 what number of their refrigerator cars in service are supplied with slatted floors, and what number are not. When this information is received, the Board will then be in a position to determine what allowance should be made to shippers furnishing slatting for the floors of cars.

Chief Commissioner Drayton concurred.

RE RATE ON BERRIES, SMALL FRUIT AND VEGETABLES.

Stockton and Mallinson *vs.* the Dominion Express Company, *re* rate on berries, small fruit and vegetables.

The facts are fully set out in the judgment.

Judgment, Chief Commissioner Mabey, April 16, 1912:—

At the hearing at Regina, the applicants alleged that they were applying for a rate on berries, small fruit and vegetables from Lewiston, Idaho; Hood River, Oregon; and Riparia, and Walla Walla, Washington; to Regina.

It was stated that the American carriers by express were “most anxious to make tariffs with the Dominion Express Company.” It was further stated that it was only a matter for the Dominion Express Company's concurrence. These features are, of course, most material, because the Board has no jurisdiction over either the carriers

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by express from the points mentioned within the United States, or the traffic originating thereat. It will be obvious that the Board could not require these carriers to join with the respondents in establishing a through rate of \$2, with a 15,000-pound minimum as asked from these foreign ports, because no means exists for enforcing any such direction.

Section 336 of the Railway Act requires joint tariffs to be filed covering all traffic carried into Canada from a foreign country; but no order of this Board could properly be made directing that such tariff should be filed by the initial carrier, and, if made, no such order could be enforced.

The case closed upon the understanding that the applicants would obtain from the Great Northern Express Company a letter signifying its consent or willingness to join in such joint tariffs, setting forth the divisions and other material matter or expressing its willingness to file such tariffs. While the Board could not require this foreign carrier to either file or concur, it might require the respondents to file, if the foreign carrier concurred, or concur if the foreign carrier were willing to file tariffs of the kind asked for, if they were thought by the Board to be fair and reasonable.

In a subsequent letter to a representative of the applicants, the Great Northern Express Company, it now appears that the traffic manager of that company has refused to join in a \$2 rate, with division upon the usual basis of local rates to and from Spokane.

Instead of being able to get the concurrence or consent of the Great Northern Express Company it states that it is willing to accept 80 cents per 100 pounds out of whatever rate the applicants might make with the respondents based upon 20,000 pounds minimum. The local rates to Spokane are \$1.10 per 100 pounds upon a 15,000 pound minimum. This reduction proposed by the Great Northern Express Company would then be about \$5 per car, and in no way meets the claims advanced by the applicants. The rate covered by respondents' tariff on these fruits and vegetables, from Spokane to Calgary, Regina and Medicine Hat, is \$2 per 100 pounds, minimum 20,000 pounds, and to Strathcona and Saskatoon \$2.25 per 100 pounds. This added to the Great Northern Express Company's local to Spokane makes through rates of \$3.10 and \$3.35 respectively.

The Board has no information before it upon which it could say that \$2 would be a reasonable joint through rate from these points, even if it had any jurisdiction over the haul in the foreign country.

It was contended at the hearing that the present application was on all fours with a joint through tariff of the kind now claimed in effect with the Great Northern Express Company it states that it is willing to accept 80 cents per 100 pounds out of

It was contended at the hearing that the present application was on all fours with the application in 1909 of Stockton and Mallinson in regard to freight rates on citrus fruits, and that a similar disposition might be made by the Board. However, in that case the Canadian Pacific Railway Company had specifically admitted that the rate of \$1.60 therein referred to was unreasonable. It further developed that the portion of the rate received by the American carriers concerned was a combination of the full local for one carrier, and a percentage for another. When the new rate was established, these carriers insisted on having exactly the same amounts under the new rate as they had under the old. Actually, therefore, the only change made was in the proportion of the through rate received by the Canadian Pacific. In the present case the reinstatement of a rate is required as to certain points to which it formerly applied; its extension is also asked for to points to which it was not formerly applicable. In regard to re-establishing the rate, the American carriers by express have not concurred, and the difference in rates is such that it would be unfair to require the Dominion Express Company to accept all the shrinkage necessary to bring the through rate down to \$2. The Board has no power to require the express companies operating in American territory to bear any part of this necessary shrinkage. As to the

extension of the rate to points in United States to which it did not formerly apply, the Board has no jurisdiction so to order.

Difficulties of this character regarding international traffic are continually arising: no tribunal now exists that can deal with them, and until such body is established, shippers and others must be left to work their disputes out with the carriers as best they can.

Application dismissed.

Mr. Commissioner McLean concurred.

EXPRESS RATES.

Re Canadian Northern Express Company and Central Ontario Railway Company.
The facts are fully set out in the judgment.

Judgment, Chief Commissioner Mabee, April 17, 1912:—

For many years the Dominion and Canadian Express Companies have both operated over the lines of the Central Ontario railway, and this gave the towns and villages along that line exceptional advantages, in that they had access to all points reached by these two companies without the disadvantages that exclusive offices labour under. Recently, the Canadian Northern Railway Company acquired the Central Ontario Railway, and has furnished express service through the medium of the Canadian Northern Express Company, the Dominion and Canadian Express Companies withdrawing. This put the towns along that line of railway at the disadvantage of being exclusive offices of the Canadian Northern Express Company, and express traffic passing to and from the offices of the Canadian Northern Company upon this line of railway, and exclusive offices of the Dominion and Canadian Companies now carries the sum of the local instead of enjoying the through rate of one company.

It was explained at the hearing that the express companies are now engaged in framing tariffs establishing joint through rates to and from all points in Canada; but as the amount of work involved is very large, it may be some time before these can be made effective.

A concrete example will show how traffic is affected:—

Under the former system a shipment of poultry from Picton to Ottawa of 185 pounds carried a charge of \$1.48. Now, by reason of this shipment being handled by the Canadian Northern Express Company to Trenton, and by the Canadian Express Company from Trenton to Ottawa, the charges are \$2.22, or an increase of 50 per cent. This arises by combining the local from Picton to Trenton, and the local from that point to Ottawa, as against the former single through rate between Picton and Ottawa.

It has been held both here and in the United States that traffic handled by two or more companies could well bear a heavier toll than when handled by one only, there being extra expense in transferring, way-billing, and the like; and the only thing the Board can do is to see that the joint express tariffs, when ready for submission, contain reasonable and proper reductions from the sum of the locals. We cannot compel the Dominion and Canadian Express Companies to operate over the line of the Central Ontario Railway Company. The people along that line enjoy the same express facilities that other towns, where only one express company operates, enjoy, except that, as the Canadian Northern Express Company has as yet but few offices in Ontario, there will, in the meantime, be more exclusive offices against these points than formerly; but as the Canadian Northern Railway Company extends its lines, this difficulty will gradually disappear. The above illustration of the shipment of poultry from Picton to Ottawa will be cured in a few months, when the Canadian Northern Railway Company completes its connection here, the old rate of the one company will at once become effective again.

The acquisition of the Central Ontario Railway Company by the Canadian Northern Railway Company was perfectly legal; the latter company was entirely within its

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rights in establishing express service through its allied express company, and this necessarily compelled the other two express companies to withdraw from the field. This is a condition we cannot control. No hardship results so long as the new tolls are not excessive. The people along the line in question are naturally in a complaining mood; but they have for years enjoyed better facilities than are afforded at most places of greater size, and in a short time will be on a par with most other points outside of larger cities.

Assistant Chief Commissioner Scott and Mr. Commissioner McLean concurred.

BOYES VS. DOMINION EXPRESS COMPANY.

The facts are fully set out in the judgment.

Judgment, Chief Commissioner Mabee, April 18, 1912:—

Complainant was charged sixty-five cents for return C.O.D. collection from Vancouver to Napanee of \$27.

It was admitted at the hearing that there had been an excess charge of five cents, which would be refunded; but the case brings up the principle upon which these charges are based, and this matter was not covered by the judgment in the Express Inquiry.

Formerly, express companies, after collecting C.O.D. shipments, made return of the cash to the shipper, and the charge for this service, as appears by the classification, was based upon merchandise rates. For some years, instead of remitting and carrying back the cash, the agent at the delivery office issues an express order and posts it direct to the shipper; yet the charge for this is not based upon the scale of charges for express orders, but the old merchandise rates still apply. This cannot be defended; it is a discrimination against the C.O.D. shipper, in that a much greater charge is made against him, or imposed upon the consignee, than is made against another person buying a similar express order for almost similar services. It is true these services are not identical; if they were, it would be the plain duty of the Board to apply the express order charges to C.O.D. return collections. These are facilities supplied by the express companies of great convenience to shippers and consignees, and the remuneration to the companies should be upon a liberal basis. The present scale of charges, is, however, excessive. The Board has not the necessary information before it to fix what might be regarded as fair and remunerative rates to the companies, and leaves it to them to frame tariffs based upon other than merchandise rates. When these tariffs are prepared and filed, the Board will hear the companies in support of their reasonableness, if necessary. These tariffs should be filed within three months.

Assistant Chief Commissioner Scott and Commissioners Mills and McLean concurred.

EXPRESS DELIVERY LIMITS IN THE CITY OF OTTAWA.

APPLICATION of the city of Ottawa, Ontario, under section 29, for an order amending order of the Board No. 16147, dated March 18, 1912, establishing a modified collection and delivery zone in the city of Ottawa for express companies, so as to include within the said zone the whole of Rideau terrace and that part of Beechwood avenue within the limits of the said city.

Oral judgment delivered by Assistant Chief Commissioner Scott at the close of the hearing, July 3, 1912:—

The Board has had a good deal of difficulty in deciding on the question of delivery limits for express packages, and finally we decided on the principle that we would have the suggested delivery limits in any municipality looked over by one of our own officials, and we would settle each on its own merits, basing our decision on the principle that density of population had to be served.

Mr. Hardwell, on March 18, after going over the territory of the city of Ottawa with the city engineer, Controller McClenagan, and representatives of the different express companies, recommended the delivery limits which the Board ultimately adopted by an order, and in that order it is stated:—

"It is ordered for the present, and until such time as other portions of the city are opened up or improved, or further populated, that the delivery limits shall be those described."

Now, it has not been shown by the applicants that since Mr. Hardwell made that report on the 18th of March last, there has been any change in the conditions generally to warrant us opening up this matter again.

It is true it is a small matter, and I suppose it would be very convenient to the people there to have their parcels delivered. The evidence is that only a few parcels would have been delivered since the beginning of the year had the delivery limits been extended to include the applicants. But it is not that; it is the question of principle. We must have finality, and we must stick to the principle laid down, that until such time as the city or any individual is able to show us that any portion of the city left out of these limits comes within the provisions of the order, that is, that they are improved and further populated, why, we will have to adhere to the limits we have already decided on. Therefore, this application is refused.

Commissioners Mills, McLean and Goodeve concurred.

Order made, dismissing application.

TARIFF ON CREAM.

CONSIDERATION of the Special Local Tariff of Dominion and Canadian Northern Express Companies applicable on cream between points in the provinces of Saskatchewan, Alberta and Manitoba, and Ontario, west of Port Arthur, for distances not exceeding 300 miles made effective.

The facts are fully set out in the judgment.

For judgment, see page 11.

CUTKNIFE STATIONS.—CANADIAN PACIFIC RAILWAY COMPANY AND GRAND TRUNK PACIFIC RAILWAY COMPANY.

The facts are fully set out in the judgment.

For judgment see page 8.

STATION AT MEATH, ONT.

APPLICATION, Canadian Pacific Railway Company, under section 358, for approval of change in location of station and freight shed at Meath, formerly called Graham's, Ont., lot 20, concession 2, district of Westmeath, Ontario.

The facts are fully set forth in the judgment.

Oral Judgment delivered by ASSISTANT CHIEF COMMISSIONER SCOTT at the close of the hearing, June 4, 1912:—

The railway company apply to have a new station approved in lieu of the old one. They point out that there is a crossing of the highway and the railway in the middle of the Muskrat river, and they are going to get a better crossing of the railway over the river by going farther west and diverting their line south.

First of all, as to the bridge over the river: The municipality had a floating bridge over the river, running north and south, for some years before the railway came there. When the railway was built, at what I call the old location as shown in

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black on this plan, they crossed the highway bridge on the level, and in consideration of the crossing and a grant of \$500 by the municipality, the railway company put the highway bridge in shape to cross the river. At that time it was made a permanent bridge instead of a floating bridge, as it had been before that. Since then, the railway company has maintained the bridge in so far as it affects the crossing of the railway. The railway company now want to divert their line farther south so they can get a better crossing over the river. There is no reason why they should not move their line farther south to carry out this object.

So far as the highway bridge is concerned, the money voted (\$500) was properly spent, and the municipality got value for it, and there is no reason why it should be paid back. The railway in leaving the bridge and removing their tracks should leave the highway bridge which they are abandoning in as good condition as the rest of the bridge, that is the portion from which they remove their tracks is to be left in as good condition as the rest of the bridge so that the highway bridge will be the same throughout.

Then the other point is in regard to the location of the station. The new station is about 250 feet from the highway. That is rather closer than the Board has been approving of in the past. It might perhaps be preferable if it were farther away, but it is pointed out that the freight buildings will be still farther east and therefore farther away from the highway, and that the freight trains will not be stopping in such a place that they would interfere with the free travel on the highway. Therefore the location of the station as asked will be approved. We had Inspector Clark go on the ground to examine and report, and he recommends that the location as asked for be approved.

When the old station was built a roadway was built in from this highway, a roadway running east and west, and that roadway cost about \$200. The railway company got a deed from a Mr. Graham, and the municipality contributed \$100 towards it.

At the time that \$100 was voted, the municipal council passed a resolution on May 28, 1899: "That the sum of \$100 be granted to the Canadian Pacific Railway Company for the purchase of a road to Graham's station, on condition that the company be responsible for the opening of the road and the keeping of it in proper condition." Now the actual piece of ground that road was on is going to be taken by the railway for its new tracks. It is true that the railway company are providing a road on their own property north as an approach to the station and freight sheds, shown in dotted lines on this plan, but the fact is that they are now taking a road to which the municipality contributed \$100, and they are going to use that road for the location of their railway. We think that a condition to the granting of this application should be that that \$100 be paid back. In other respects the application is granted.

Dr. MILLS: I might say that I concur, except that in my judgment the station should be about 400 feet from the crossing, and I see no difficulty in its being so placed.

Commissioners McLean and Goodeve concurred in Assistant Chief Commissioner Scott's judgment.

Order made granting application in terms of the judgment of Assistant Chief Commissioner Scott.

STATION LOCATION, CASSIAR DISTRICT, B.C.

APPLICATION of Robert Kelly, for an order approving of the location of station to be constructed by the Grand Trunk Pacific Railway on lot 882, group 1, Cassiar District, B.C., and restraining the location of any station on lot 851, group 1, Cassiar district; and application of the Grand Trunk Pacific Railway for approval of location of station grounds and station on lot 851, group 1, Cassiar District, B.C.

The facts are fully set out in the judgment.

Judgment, Mr. Commissioner McLean, June 10, 1912:—

By the Board's order No. 15727 of December 19, 1911, the railway company was ordered to provide and construct a station on lot 882, group 1, in the Cassiar district of British Columbia. The application of the railway for the approval of the location of station grounds and station on lot 851, group 1, Cassiar district of the province of British Columbia, was in terms of the said order, refused, and the railway company was restrained by said order from locating a station at that point.

Subsequently, on the petition of the Grand Trunk Pacific Railway Company, the matter was taken before the Governor in Council, and as a result of the hearing the Governor in Council issued an order in the matter rescinding the order of the Board above referred to, and stating:—

"It was made to appear that several different interests directly affected by the location of the stations in question had not had as full opportunity to set forth their respective views as would seem just and desirable, and that therefore in their judgment the aforesaid applications of Robert Kelly and of the Grand Trunk Pacific Railway Company should be remitted to the Board of Railway Commissioners for Canada for reconsideration, and that all parties interested in the matter of the said application should have leave to make such further application to the Board of Railway Commissioners for Canada as they might be advised."

Following this the order of the Governor in Council remitted the matter to the Board, stating that it was:—

"for re-consideration, and that all parties interested in the matters of the said applications have leave to make such further application to the Board of Railway Commissioners for Canada as they may be advised."

The matter was heard at length by the Board from June 4 until June 6. A large amount of material was submitted, the exact value of much of this from the standpoint of evidence is more than questionable. It was not, however, to be expected that, in a section which has not as yet experienced the advantages of railway development, the views expressed as to the effects of the railway development in connection with the question of station sites, could be other than speculative.

As to the provision of the original order requiring the location of a station on lot 882, after careful consideration, I am unable to see that this should be varied. The views expressed by the late Chief Commissioner in his judgment are as pertinent to the location of this station now as when uttered. It is a situation which the railway has created for itself, and for the Board to assent to the modification of this term of the order would make it an assenting party to a vital injustice.

In the original hearing the views of the residents of the present town of Hazelton were not to any extent before us; nor was there developed in the record the way in which their interests from the standpoint of traffic convenience were affected by the Board's restraining the railway company from building on lot 851. It may be said, parenthetically, that it appeared in the re-hearing that the proposed station was actually to be placed on lot 9 instead of lot 851. This confusion may have arisen from the fact that the station grounds extend on to lot 851. However, this is mentioned not because it has any material bearing upon the original order, but because the statement is necessary to correctness.

A considerable amount of evidence and opinion was presented in the re-hearing in regard to the highway methods of approach to the proposed station on lot 882, and the proposed station on lot 9 spoken of as South Hazelton. Statements were submitted as to the cost of bridging the Bulkley river. There were also expressions of opinion as to the intention of the Provincial Government in this respect. These expressions were not, however, sufficiently definite to permit one to form any conclusion

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as to where the bridges, if built, would ultimately be built by the Provincial Government or where the highways would be located.

It appears from the evidence of the representatives of the present town of Hazelton that some point nearer to them than the location on lot 882 would be of greater convenience to them from a traffic standpoint. It also appears that at the present town of Hazelton there is now the convenience of water transportation, and that it is desired that in the new location a similar convenience should exist.

Giving due weight to the mass of material presented at the hearing, much of it contradictory, much of it conjectural, I am of opinion that the representatives of the present town of Hazelton have made out a case for a station location nearer to them than would be afforded by the location on lot 882.

The second paragraph of the operative portion of order 15727 which restrained the railway company as to location of station grounds and station should, therefore, be rescinded, and it should be open to the railway to make application for approval of a station site which will give adequate facilities to the people of Hazelton. The original plan for the location of the station at South Hazelton which is before us, shows that the railway, in the layout of the station grounds and sidings, departed from practically everything which it has considered as a standard from the standpoint of engineering and operating practice. Had the Board required the railway to locate a station under the engineering and operating conditions which it itself chose in this case, there undoubtedly would have been the most strenuous objection upon the part of the railway. When called upon by the railway to approve of such station site as it may deem convenient for the people of Hazelton, the Board cannot, and will not be oblivious of the standard which the railway has chosen for itself.

The Assistant Chief Commissioner and Commissioner Mills concurred.

G.T.P. AND C.P.R. STATIONS AT DRUID, SASK.

PETITION of the residents and property owners of Druid, Sask., and vicinity, that the Grand Trunk Pacific Railway install a station at that point close to the Canadian Pacific Railway station, in order to make the construction of a transfer track between the two roads feasible.

The facts are fully set out in the judgment.

Judgment, Mr. Commissioner McLean, June 17, 1912:—

This application was heard at Saskatoon. Coupled with it is the application of the Grand Trunk Pacific for the approval of its station at Dodsland which it dealt with under File 19440.

The Canadian Pacific branch from Kerrybert to Rosetown approaches the Calgary-Biggar branch of the Grand Trunk Pacific about mileage 44 on the Canadian Pacific branch and runs alongside of it for a distance of about three and a half miles on the north side. It then crosses to the south side about one mile from Druid station on the Canadian Pacific. Dodsland station, as proposed by the Grand Trunk Pacific, will be about one and a half miles west of Druid. Petitioners from Druid desire to have the Dodsland location placed north of Druid so that the Dodsland development may be between the two locations.

It is unfortunate that the growth should be dissipated between the two stations. But except where the Board is justified in intervening because of discriminatory treatment it is not its function to deal with the possible growth of a new town. It is the Board's function to see, in so far as possible, that there are proper facilities for as large as possible a portion of the public using the railways. The evidence presented is contradictory. This is usually the case in applications in which townsites, whether belonging to private individuals or to railways, are involved. At least as many people favour the proposed Dodsland location as oppose it. On the whole it appears

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that the proposed location at Doddsland in co-operation with the station at Druid will reasonably serve more of the public using the railway than would the proposed relocation.

As to the transfer track, this is a matter which may be dealt with when the need therefor is shown. The present disposition as to the transfer track in no way prejudices a later application.

The Assistant Chief Commissioner concurred.

STATION, LAC DU BONNET, MANITOBA.

PETITION from the residents of the village of Lac du Bonnet, Man., asking that the Canadian Pacific Railway Company be directed to change the present location of its station to a point near the village or opposite a road allowance.

Oral judgment delivered by Assistant Chief Commissioner Scott, at the close of the hearing, July 18, 1912:—

We feel this way about this: It is certainly to the advantage of the municipality if we can have the station moved, but the Canadian Pacific Railway Company went there before there was any townsite where you have it now, and they in good faith established their station where it is, and while it would undoubtedly be convenient to the public to have it moved, we do not think we are justified in putting the whole expense on the railway company. They might share it. I think we will have to ask you to try and find out either from Mr. McArthur, or somebody else interested, what contribution he is prepared to make. If we order the railway company to move the station, how much will you contribute to the cost. It is a question of cost, and you can find out how much money you will contribute. We cannot saddle all the cost on the railway company.

Concurred in by Mr. Commissioner Goodeve.

STATION AT FORWARD, SASK.

APPLICATION of the town of Forward, Sask., for order directing the Canadian Pacific Railway Company to furnish a station, telegraph service, &c., at that point.

The facts are fully set forth in the judgment.

Oral judgment delivered by Assistant Chief Commissioner Scott at the close of the hearing, July 22, 1912:—

In this matter the Canadian Pacific Railway Company established a station at the town of Forward some time ago and spent a considerable sum of money. Three elevators were erected there and other buildings, and a municipality organized under the laws of the province. Subsequently it appeared to the people of that village that the Canadian Northern was going to cross the Canadian Pacific some distance west, and they feared that the establishment of townsites on the Canadian Northern might be injurious to their business; also they discovered that the water at Forward was not as good as could be got elsewhere. For this and perhaps other reasons they desired to move the station of Forward to the place where the Canadian Northern would cross the Canadian Pacific track, a distance of one mile and eight-tenths, we are told.

Negotiations were carried on between the people and the Canadian Pacific Railway Company to get the station moved, and while the district agent, Mr. Duval, in one telegram gave them some encouragement, still, at a later date, in an interview with Mr. Whyte, the vice-president, and in a letter from him, they were not encouraged in the undertaking, and the Canadian Pacific Railway Company gave no promise and are under no obligation to carry out anything. They said nothing which would lead these people to believe the station would be moved.

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The applicants now say "We are not before you asking for the removal of the station; we are before you asking for the establishment of a station at this point of junction with the C.N.R. We do not care if they continue their existing station, telegraph operator, and so on, at that town. Our application is for a station and agent at this new location, which is shown on this map at West Forward; that is, at the point where the Canadian Northern crosses."

Dealing with it in that way, we find that the Canadian Pacific Railway Company has a station and agent and suitable facilities within two miles of this point, and it is not the policy of the Board to establish facilities as close as two miles. Usually it is about 8 or 10 miles apart where facilities of that kind are established.

We do not see that the Canadian Pacific Railway is under any obligation at all to move, and as it has a station at Forward and has these facilities within two miles of the new location, we do not see that we should order them to go to the expense of creating a station at the point applied for. It may be in their own interests, it would be wise for them to move, but they are here opposing it, and opposing it very strongly, and, under these circumstances, we do not see that we can grant this application.

I might say that an additional reason for refusing it is that the Canadian Pacific Railway Company has a townsite at Forward, where they have spent money, where they have some vested interests, and it would be indeed hard for us to order them to leave their own investment and go elsewhere and in that way suffer financial loss.

The parties have been in negotiation with the Canadian Northern, and have received encouragement from that company. The Canadian Northern has not yet located its station on that line, but it is to-day stopping its trains and taking on and setting off traffic at that point, and therefore, it is more than likely that the Canadian Northern will establish a station at West Forward. In fact there would be strong ground for the Board interfering if the Canadian Northern did not establish a station there, if the evidence of these interviews with Mr. McKenzie and Mr. McLeod is correct. Of course, we have not heard the Canadian Northern on that point, and it is in no way bound by anything said here to-day.

Under these circumstances, the application is refused.

Commissioners Mills and Goodeve concurred.

Order made, refusing application.

LOADING PLATFORM, ERICKSON, B.C.

APPLICATION of E. J. C. Richardson, Erickson, B.C., for an Order directing removing of loading platform at that point to a more convenient site.

Oral judgment delivered by Assistant Chief Commissioner Scott, at the close of the hearing, July 25, 1912:—

In this matter the application is to have the station at a place called Erickson moved farther north-east to what the applicants say is a more desirable location. More desirable because it is near a Government road. The present station has been reached by a forced or trespass road over private property. We are told that the owners of that property are now fencing this and preventing access to the station.

The Canadian Pacific Railway Company produce a letter from the Provincial Government of British Columbia stating that they are going to build a Government road, and they want to know if the station is to be moved. We think that if that Government road is built, it will serve the people as an access to the station, and will remove largely their reason for asking for the moving of the station to a point farther northeast.

The railway company objects to moving the station. It was put there three years ago, apparently in the right place, because it was near a mill where there was some

traffic. The mill now, we are told, is going to be removed. However, the railway company have a siding there at present, and if access is to be established to the station, there is no necessity for putting the railway company to the expense of moving their station and siding to this new location, particularly as it is pointed out that owing to the location of the land at the site where they want the station moved to, there would be considerable filling to be done, and the siding could not be placed there without considerable expense.

We will represent to the British Columbia Government that provided a road is built to the station, we have decided not to grant this application. Of course, if the Government do not build the road, we will have to take the matter up again, and perhaps order the removal of the station; but if the road is built in the near future, the application will be refused.

Chief Commissioner Drayton and Commissioners Mills and Goodeve concurred.
Order, refusing application, issued.

STATION LOCATION, SOUTH HAZELTON, B.C.

APPLICATION of the Grand Trunk Pacific Railway Company under section 258, for an order approving of a station location on its line at South Hazelton, on lot 9, Cassiar district, B.C.

Judgment, Mr. Commissioner McLean, October 2, 1912:—

The judgment rendered June 10, 1912, specifically reaffirmed the provision of the original order directing that a station should be constructed on lot 882. It was also stated that the representatives of the present town of Hazelton had made out a case for a station location nearer to them than would be afforded by the location on lot 882.

The plans of the proposed station at South Hazelton have been received, and the Board is in receipt of application of parties who desire to be heard in opposition. Mr. Smellie desires to be heard on behalf of the owners of land at New Hazelton. Messrs. Pringle and Guthrie state that the clients whom they represent are principally at New Hazelton.

So far as New Hazelton is concerned, a station has been ordered there. The Board has found that a station at some point closer to Old Hazelton is necessary. To now hear the application of the representatives of New Hazelton would be to grant a re-hearing. There has to be some finality. Every party concerned has been given ample opportunity to be heard, and at full length. There is no necessity of hearing anything more so far as New Hazelton's objection is concerned.

There remains the consideration of the engineering and operating features pertaining to the proposed station at South Hazelton. In the judgment of June 10, 1912, it was said:—

“The original plan for the location of the station at South Hazelton, which is before us, shows that the railway, in the layout of the station grounds and sidings, departed from practically everything which it has considered as a standard from the standpoint of engineering and operating practice. Had the Board required the railway to locate a station under the engineering and operating conditions, which it itself chose in this case, there undoubtedly would have been the most strenuous objection on the part of the railway. When called upon by the railway to approve of such station site as it may deem convenient for the people of Hazelton, the Board cannot, and will not be oblivious of the standard which the railway has chosen for itself.”

The Board's chief engineer and chief operating officer, in reporting on the plans now submitted by the Grand Trunk Pacific, say:—

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"The plans attached to application would indicate that the Grand Trunk Pacific Railway now proposes to locate passenger and freight station at South Hazelton, with short siding for the handling of carload freight, while previous plans submitted showed passenger and freight station with passing track for the meeting of and passing of trains."

This siding is about eight hundred feet in length. There is an improvement over the situation disclosed in the plan formerly filed to this extent, viz., within the headblocks of the siding as proposed by the railway, the line is changed from a two degree curve to a tangent with a length of one thousand feet. Aside from this improvement there still exists at the proposed location the maximum grade and curves which have previously been very strongly objected to by the Grand Trunk Pacific, when it has been claimed that public convenience demanded the location of a station on maximum grade and curvature.

I entirely agree with the considered opinion expressed by the Board's chief operating officer and chief engineer that "the proposed location is not a desirable one either from a railway engineering or operating standpoint." It is highly probable that the gradients and curvature will lead to controversy in the future in respect to the handling of the traffic. With the increase in population and traffic, either of Hazelton or of South Hazelton, or of both of these places, there may be a desire to have the through passenger trains stop at South Hazelton. It is highly probable that the railway would object to this on account of the grades and curves. The same condition would arise as regards handling freight. The railway would probably not want to stop its through freight trains, to set out or pick up important cars, on account of the grade and curvature. Under such conditions the freight to or from this point would have to be handled exclusively on local way freight trains. It can readily be understood that this will be objected to. The passing track on the plans before the Board is at New Hazelton.

In regard to the engineering and operating features, the Board has, in more than one instance, recognized the justice of the plea of the Grand Trunk Pacific that it should not be compelled to construct its stations, or even give siding facilities on anything approximating its maximum grade. It has recognized also the plea that the railway should not be required to build a station on a three degree curve. Here the Board is asked to approve a layout which involves running off a six-degree curve on to a five-degree one.

Were the only considerations involved those of engineering and operating, I would have no hesitation in saying that in my opinion the plans should not be sanctioned. But the Board is faced by the question that facilities are required by the public. Limited and inadequate as the facilities at South Hazelton must inevitably be, as the traffic tributary to this station expands, the people of Old Hazelton appear to be willing to accept them. If they are willing to accept them with their eyes open, it does not seem to me that the Board should withhold its sanction.

The plan as submitted may be sanctioned.

It is obvious that the question of station location and the determination of where, in response to a proved public need, a station should be located is a question of particular facts. So far as the Grand Trunk Pacific Railway is concerned, the present application frees the hands of the Board in dealing in future with pleas of maximum grades and curves where these are the only arguments advanced against public needs.

Commissioner Goodeve concurred.

Judgment, Mr. Commissioner McLean, October 30, 1912:—

The reasons for judgment and the draft order in this application have been allowed to stand for a limited time because of the representations of counsel representing certain interests in and around New Hazelton. It was represented that new and material evidence could be submitted, and a limited time was allowed so that the

Board might be satisfied from the statements indicating the nature of the evidence to be submitted whether a re-hearing should be granted.

There are now before the Board telegraphic statements from the Board of Trade of Old Hazelton favouring the South Hazelton location. There are also counter telegrams alleging that only a bare majority of those present at the Board of Trade meeting which passed the resolution in question favoured it. It is also stated that a majority of the members of the Board of Trade are opposed to having two stations, and favour a single station at New Hazelton.

It is alleged in the course of these counter telegrams that the approval of the South Hazelton location in addition to New Hazelton will "tend to prolong the town-site controversy, which has been a great detriment to business generally." The Board is not going to mingle in townsite matters *qua* townsite. It will intervene in the matter of station accommodation only where there is a public need for a station, or where the railway has entered into an agreement binding itself to establish a station. Aside from what is outlined in the preceding section, it is not concerned with whether two townsites grow where one grew before. There may be abuses in the matter of location of townsites; there may be too many of them; some of them may be simply the capitalization of an iridescent optimism. But, be this as it may, there is not within the four corners of the Railway Act any statement that the Board is the official guardian of townsites, and the Railway Act nowhere over-rules the necessity of investors exercising common sense.

It is also alleged in support of the application for a re-hearing, that the Grand Trunk Pacific is refusing to haul freight and passengers to New Hazelton. All that need be said on this is that leave to carry traffic as far as the South Hazelton site was applied for and granted. No application for leave to carry traffic on additional mileage east of this has been received by the Board.

The whole question is whether Old Hazelton is to have on the South Hazelton location traffic facilities in addition to those afforded by New Hazelton. The Board has already decided this.

Order approving the South Hazelton location plan as filed should now go.

The Assistant Chief Commissioner concurred.

Order issued accordingly.

OTTAWA, October 30, 1912.

SHUNTING ON FERGUSON AVENUE, HAMILTON.

The facts are fully set forth in the judgment.

Judgment, Assistant Chief Commissioner Scott, May 29, 1912:—

This is a complaint of the city of Hamilton and some residents on Ferguson avenue about the disturbance created by the Grand Trunk Railway Company shunting trains on that avenue, which has been before the Board on several occasions, and was, the last time it was up, allowed to stand to give the Grand Trunk Railway Company an opportunity of advising the Board what it proposed to do towards eliminating the annoyance complained of. It appears that the Grand Trunk Railway Company have largely discontinued shunting at night, but as they start work at five o'clock in the morning, this undoubtedly gives just cause for complaint. It is also stated that the constant shunting during the day time is a nuisance, and has the effect of depreciating the value of property on Ferguson avenue within the territory affected by the shunting.

It appears that the predecessor in ownership of the tracks on Ferguson avenue, the Hamilton and Lake Erie Railway Company, was given permission to carry its line of railway along Ferguson avenue by the municipal council of the city of Hamilton, in a resolution passed on the 12th February, 1872, which reads:—

Resolved.—That permission be and is hereby given to the Hamilton and Lake Erie Railway to carry the line of railway along the whole or such portion as they may see fit, of all or any, or either of the streets in this city lying between Emerald street on the east, Ferguson avenue, Nelson street and Cherry

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streets on the west, including the said streets named and the streets lying between the northern and southern boundaries of the city, and extending to the westward from Emerald street aforesaid within said limits, and that a copy of this resolution duly certified be delivered by the clerk to the said railway company."

In the year 1904 the Grand Trunk Railway Company established a freight yard and built a substantial freight shed on the west side of Ferguson avenue, known as the Cannon Street yard. After the establishment of this yard shunting was commenced on Ferguson avenue to get cars in and out of the Cannon Street yard. The volume of this shunting has increased with the volume of traffic handled in the Cannon Street yard. This increase has been very substantial, due to the great commercial development in Hamilton within the past few years. The result now is, that such a use of Ferguson avenue, in the neighbourhood of the Cannon Street yard, is made by the railway company which was not in contemplation by any one at the time the permission to carry its line along Ferguson avenue was given to the Hamilton and Lake Erie Railway Company in 1872.

The Board has on more than one occasion, and particularly in the case of Hardisty street, Fort William, made it a condition of the occupation of a street by a railway company's tracks running along that street, that the railway company should compensate landowners injuriously affected, because of the operation of the railway on the highway if such landowners had not been compensated in some other way.

In the present case, we cannot, of course, review what took place at the time the permission was given to the Hamilton and Lake Erie Railway Company to lay its tracks on Ferguson avenue. I have no doubt at that time the public were so anxious for the establishment of railway facilities that the people of Hamilton, including those who owned land on Ferguson avenue, welcomed the advent of the railway; but, as I have already suggested, the use of the avenue as it is now used by the shunting in and out of Cannon Street yard, is something which was not contemplated by those affected when the arrangement of 1872 was consummated. I therefore think that those injuriously affected by this shunting should receive compensation. The Grand Trunk Railway Company should be ordered to compensate them accordingly by paying damages, to be fixed by arbitration if necessary. It may be, that the Grand Trunk can make a more satisfactory arrangement for all concerned by purchasing the lands affected outright, instead of compensating the owners. I think they should have the option of doing either and that they should be permitted to use the expropriation powers of the Railway Act if they desire to acquire title to the lands affected.

This decision will be for the benefit only of those landowners on either side of Ferguson avenue from Cannon street southerly to Rebecca street, the zone affected by this shunting.

Some of the property on Ferguson avenue, between Cannon street and Rebecca street has changed hands since the establishment of the Cannon Street yard. The purchasers of such property bought it with notice of the existing conditions, and therefore are not entitled to compensation. The order should be limited to existing landowners within the territory described who were the owners of their property prior to the establishment of the Cannon Street yard.

Commissioner Goodeve concurred.

C. N. R. AND QUEBEC RIFLE ASSOCIATION.

APPLICATION, Quebec Rifle Association, for an order directing the Canadian Northern Railway to stop its trains at a point opposite the Pointe Aux Trembles Rifle Association, and to have special rates to and from this point.

Oral judgment delivered by Assistant Chief Commissioner Scott at the close of the hearing, June 11, 1912:—

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It appears that the Quebec Rifle Association is being served by the Terminal Railway as best it can with its present facilities. There is no train on the Canadian Northern that could be ordered to stop going either way. It would mean that a special train would have to be put on by the Canadian Northern, and this they object to. It is pointed out that there is a contract between the two companies that the Canadian Northern will not do local business on the island. We are not bound by that contract, but nevertheless it is an element to be considered. Bearing these facts in mind, we think we would not be justified in ordering the Canadian Northern to give the train service asked. The application is refused.

Commissioners McLean and Goodeve concurred.

Order, refusing application, issued.

UNIFORM RULES GOVERNING THE DETERMINATION OF VISUAL ACUITY, COLOUR PERCEPTION, AND
HEARING OF RAILWAY EMPLOYEES ON STEAM RAILWAYS.

The facts are fully set forth in the judgment.
For judgment, see page 52.

PASSENGER SERVICE FROM WINNIPEG TO LE PAS, MAN.

APPLICATION of residents of Le Pas, Man., for through passenger and Pullman service from Winnipeg to Le Pas.

The Chief Commissioner:—

This is an application of the Board of Trade of Le Pas, Man., for a Pullman car service between Winnipeg and Le Pas.

The Board has had the matter carefully looked into by its operating department with a view of determining whether or not the business offering at Le Pas would justify an order as asked.

After checking up the possible earnings, the report shows that there is not sufficient business to warrant our making the order, which is, therefore, refused.

December 26, 1912.

Commissioner McLean concurred.

OTTAWA, December 27, 1912.

FEDERATION OF THE CHAMBER OF COMMERCE OF THE PROVINCE OF QUEBEC AND THE SOUTH
EASTERN RAILWAY.

The facts are fully set forth in the judgment.

Judgment, Chief Commissioner Drayton, January 6, 1913:—

This is an application made by the Federation of the Chamber of Commerce of the province of Quebec asking that the Southeastern Railway, between Drummondville and the city of Sorel, which is actually controlled by the Canadian Pacific Railway Company, and which has received subsidies from the province of Quebec and the city of Sorel, be re-opened with the least possible delay.

In 1869, the Richelieu, Drummond and Arthabasca Railway Company was incorporated with powers to build from Drummondville to Sorel, a distance of thirty-five miles (32 Vic. Chap. 36, Que.). The corporation of Sorel, in 1870, passed its by-law No. 89, subscribing for stock in the company to the extent of forty thousand dollars. In 1871, a subsidy was voted by the Provincial Legislature to aid the construction of the company's bridge over the Yamaska river, at Yamaska; and again, in 1872, a further aid was voted.

By an Act of the province passed in 1869, the Southeastern Railway Company was also incorporated, with rights in largely the same territory as the Richelieu, Drum-

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mond, and Arthabasca Railway Company; and in 1874, by a further provincial Act, the two companies were amalgamated under the name of the Southeastern Railway Company.

In 1875, further municipal bonuses were asked and some granted.

The railway was built and put in operation from Sorel to Sutton Junction, a distance of ninety-five miles, including in its length that portion now asked to be re-opened.

Mr. Lalonde, the Board's assistant chief operating officer who has investigated the matter, reports that the railway was kept in operation until about July, 1878, when it was taken over by the Canadian Pacific Railway Company and formed part of that system; and that four trains were operated daily over the section now in question, two running each way. He also reports that, at that time, traffic was of the greatest importance, and that the line was the principal feeder of the Montreal and Boston Air Line; and that, if the line were to-day opened for traffic, similar conditions would exist.

The railway was continued to be operated, apparently by the Canadian Pacific Railway Company, until the autumn of 1892, when the bridge over the Yamaska river was carried away by flood and ice. The company thereupon discontinued the service between Yamaska and Sorel, on the one side—a distance of ten miles—and between Yamaska and St. Guillaume—a distance of fifteen miles—and the company, in December, 1893, abandoned that part of the line between St. Guillaume and Drummondville, and closed it to the public; the result being that, since December, 1893, that portion of the line which it is now proposed to re-open, has been abandoned and closed.

Mr. Lalonde further reports that, on September 6, 1899, the Canadian Pacific Railway Company sold the abandoned part of the line, between Sorel and Yamaska, to the South Shore Railway Company for twenty-five thousand dollars, and that that part of the line was rebuilt by the latter company, and is now operated by the Quebec, Montreal, and Southern Railway Company.

Nothing further has been done with the line from Yamaska to Drummondville, except that, in 1891, all the rails were lifted, and there is now no sign of a railway through that territory.

For the purpose of the disposition I propose to make of the case, I am going to assume that the railway company stopped the service and removed the railway in defiance of the express demands and interests of the neighbourhood, resulting in loss to the people of the district, not only in respect to bonuses given, but by lack of railway facilities that they were well entitled to. Under such circumstances, is there the slightest jurisdiction in the Board to make an order? In my view, there is none.

The Railway Board was only constituted in the year 1903; the wrong now complained of happened ten years before. While undoubtedly to-day the Board would not allow any railway company to discontinue, permanently, operations simply because a bridge was carried away, it is impossible to say that there is the slightest jurisdiction in the Board to order that a service which ceased ten years before the Board's inception, and, under these circumstances, should be continued. The application is really not an application to re-open for service; it means the reconstruction, practically, of a line, part of which, further, is now operated by another system. It may be that, under the bonuses which some of the municipalities or the Provincial Legislature has granted, a redress may be had as a matter of contract; but if this is the case, the remedy is not to re-open this non-existent line, but in damages, which may be recovered in the appropriate court.

The application will, therefore, be dismissed.

Assistant Chief Commissioner Scott and Commissioners Mills and McLean concurred.

LONDON AND LAKE ERIE TRANSPORTATION COMPANY VS. CERTAIN TOWNSHIP MUNICIPALITIES
ON THE LINE OF ITS RAILWAY.

Judgment, Mr. Commissioner Mills, January 14, 1913:—

In re the application of W. W. Warburton, general manager of the London and Lake Erie Transportation Company, which operates a line of railway between London and Port Stanley, Ontario, for authority to change the places at which it makes stops in accordance with the terms of certain township by-laws which granted franchises to the said company. The applicant company alleges that the present places of stopping, fixed by the said by-laws, are within unreasonable distances, and it asks the Board to assist it in arranging for new stopping places regardless of the provisions of the said by-laws.

In a word, I would say, without raising the question of jurisdiction, that, in my opinion, the Board should not assume the responsibility of setting aside agreements covered by by-laws such as those referred to in Mr. Warburton's letter. If any changes in stopping places fixed by the said by-laws are desired, the company should, I think, negotiate with the municipalities interested.

Judgment, Chief Commissioner Drayton, January 20, 1913:—

I agree with Commissioner Mills in the disposition that he would make of this case.

The submission of the applicant company is that it should be permitted to change the places at which it is compelled to make stops, in accordance with the terms of certain municipal by-laws, on the ground that public convenience will be served by cutting out entirely a number of the stops, the applicant company being of the view that there are too many of them and at unreasonably short distances.

The franchise under which the applicant company operates was granted the South Western Traction Company under municipal by-law. The lines of the South Western Traction Company being taken over by the applicant company, that company is bound by these franchises and by the by-laws.

Section 11 of the Act incorporating the London and Lake Erie Company provides that:—

"Nothing in this Act, or done under or by virtue of the powers hereby granted shall alter or affect the provisions of any municipal by-law heretofore passed relating to the South Western Traction Company and confirmed by agreement with the said company, or to any portion of the South Western Traction Company's railway heretofore constructed, or which may hereafter be constructed by the company, or contained in any agreement between any municipality and the South Western Traction Company; but all such agreements and by-laws shall continue and remain in force as between the municipality and the company."

The application must be dismissed.

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APPENDIX 'D.'

SIR,—I have the honour to submit for the Eighth Report of the Board, a memorandum of the Freight, Passenger, Express, Telephone, Telegraph and Sleeping and Parlour Car Schedules filed with the Board from November 1, 1904, when, by order of the Board, under the authority of section 311 of the Railway Act, 1903, the railway companies commenced filing their tariffs, to March 31, 1912, and from April 1, 1912, to March 31, 1913, inclusive; also, of the more important orders relating to traffic, issued by the Board to March 31, 1913:—

SCHEDULES RECEIVED FROM NOVEMBER 1, 1904, TO AND INCLUDING
MARCH 31, 1912.

Freight—			
Local tariffs.. . . .	5,503		
Supplements.. . . .	13,165	18,668	
Joint tariffs.. . . .	10,628		
Supplements.. . . .	33,762	44,390	
International tariffs.. . . .	37,192		
Supplements.. . . .	135,061	172,253	
			235,311
Passenger—			
Local tariffs.. . . .	4,628		
Supplements.. . . .	4,016	8,644	
Joint tariffs.. . . .	2,223		
Supplements.. . . .	3,438	5,661	
International tariffs.. . . .	*8,657		
Supplements.. . . .	9,336	17,993	
			*32,298
Express—			
Local tariffs.. . . .	4,118		
Supplements.. . . .	26,166	30,284	
Joint tariffs.. . . .	1,589		
Supplements.. . . .	8,413	10,002	
International tariffs.. . . .	1,693		
Supplements.. . . .	878	2,571	
			42,857
Telephone—			
Local tariffs.. . . .	804		
Supplements.. . . .	687	1,491	
Joint tariffs.. . . .	1,820		
Supplements.. . . .	1,090	2,910	
International tariffs.. . . .	421		
Supplements.. . . .	3,340	3,761	
			8,162
Sleeping and Parlour Car—			
Local tariffs.. . . .	47		
Supplements.. . . .	26	73	
Joint tariffs.. . . .	20		
Supplements.. . . .	21	41	
International tariffs.. . . .	25		
Supplements.. . . .	28	53	
			167
Telegraph—			
Tariffs.. . . .	78		
Supplements.. . . .	58	136	136

Combined totals, all schedules, 318,931.

*Error of 200 short in addition of schedules in previous Report.

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SCHEDULES RECEIVED FROM APRIL 1, 1912, TO AND INCLUDING MARCH 31, 1913.

Freight—			
Local tariffs.. . . .	677		
Supplements.. . . .	1,609	2,286	
Joint tariffs.. . . .	2,299		
Supplements.. . . .	6,997	9,296	
International tariffs.. . . .	9,450		
Supplements.. . . .	28,163	37,618	
			49,200
Passenger—			
Local tariffs.. . . .	676		
Supplements.. . . .	1,116	1,792	
Joint tariffs.. . . .	402		
Supplements.. . . .	1,050	1,452	
International tariffs.. . . .	952		
Supplements.. . . .	2,578	3,530	
			6,774
Express—			
Local tariffs.. . . .	318		
Supplements.. . . .	16,749	17,067	
Joint tariffs.. . . .	141		
Supplements.. . . .	678	819	
International tariffs.. . . .	50		
Supplements.. . . .	58	108	
			17,994
Telephone—			
Local tariffs.. . . .	60		
Supplements.. . . .	102	162	
Joint tariffs.. . . .	66		
Supplements.. . . .	1,017	1,083	
International tariffs.. . . .	1		
Supplements.. . . .	805	806	
			2,051
Sleeping and Parlour Car—			
Local tariffs.. . . .	2		
Supplements.. . . .	7	9	
Joint tariffs.. . . .	1		
Supplements.. . . .	4	5	
International tariffs.. . . .	2		
Supplements.. . . .	6	8	22
Telegraph—			
Tariffs.. . . .	7		
Supplements.. . . .	10	17	17
Combined totals, all schedules, 76,058.			
Grand total, 394,989.			

SUMMARY OF TRAFFIC ORDERS OF GENERAL INTEREST.

16225, April 3.—Vancouver, Fraser Valley and Southern Railway required to publish joint rates on lumber to points on the Canadian Pacific and Canadian Northern railways on the basis of one cent per 100 pounds over the rates from Vancouver and New Westminster, and to publish local rates on the same basis as the Canadian Pacific and Great Northern Railways in similar territory.

16226, 16227, 16228, April 3.—Increased tolls on commodities from Port Arthur and Fort William to points west disallowed.

16276, April 11.—Advanced rates on coal from Niagara frontier to points in Ontario suspended.

16306, April 12.—Express free collection and delivery limits prescribed for Chapleau, Ont.

16341, April 17.—Telegraph companies required to make free delivery of messages in St. Boniface, Man.

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- 16400, April 23.—Express free collection and delivery limits prescribed for Sydney, N.S.
- 16452, May 6.—Express free collection and delivery limits prescribed for Kamloops, B.C.
- 16453, May 6.—Prescribes reduced rates on coke from Toronto and Hamilton, Ont.
- 16468, May 6.—Express free collection and delivery limits prescribed for Toronto, Ont.
- 16479, May 1.—Gramophones and phonographs reduced to the classification of musical instruments.
- 16514, May 14.—Express free collection and delivery limits prescribed for Kelowna, B.C.
- 16556, May 17.—Telegraph companies required to restore rate of 25 cents per 100 words on "Press specials" in the Maritime Provinces.
- 16558, May 20.—Express free collection and delivery limits prescribed for Grand Falls, B.C.
- 16710, June 4.—Revised rule relating to baggage of excess size approved.
- 16850, June 17.—Express free collection and delivery limits prescribed for Shawenegan Falls, Que.
- 16851, June 22.—Express free collection and delivery limits prescribed for Rivière-du-loup, Que.
- 16858, June 24.—Express free collection and delivery limits prescribed for Three Rivers, Que.
- 16896, June 24.—Express free collection and delivery limits prescribed for Montreal, Que.
- 16900, June 27.—Carriers required to indicate changes in rates in their tariffs by the use of prescribed symbols.
- 17055, July 17.—Express free collection and delivery limits prescribed for Estevan, Sask.
- 17119, July 22.—Stop-over for completion of carloads of canned goods ordered at Cobourg and Bowmanville, Ont.
- 17257, August 21.—Supplement No. 11 to Express Classification for Canada approved.
- 17384, September 4.—Prescribes express rates on cream Port Arthur and west in the provinces of Ontario, Manitoba, Saskatchewan and Alberta.
- 17589, September 24.—Express free collection and delivery limits prescribed for Maple Creek, Sask.
- 17610, September 30.—Express free collection and delivery limits prescribed for Summerside, P.E.I.
- 17619, September 25.—Joint rates on lumber from Port Arthur and Fort William to points on the Superior branch of the Grand Trunk Pacific Railway to be not higher than one cent above the rates from Westfort, Ont., to the same points.
- 17623, October 1.—Express free collection and delivery limits prescribed for Fredericton, N.B.
- 17624, October 1.—Express free collection and delivery limits prescribed for Rouleau, Sask.
- 17786, October 17.—Express free collection and delivery limits prescribed for Halifax, N.S.
- 17826, October 23.—Tariffs of increased rates on pulpwood to points in the United States suspended.
- 18057, November 20.—Express free collection and delivery limits prescribed for Woodstock, N.B.
- 18058, November 20.—Express free collection and delivery limits prescribed for Wolfville, N.S.

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18097, November 20.—Express free collection and delivery limits prescribed for MacLeod, Alta.

18098, November 20.—Express free collection and delivery limits prescribed for Windsor, N.S.

18099, November 20.—Express free collection and delivery limits prescribed for Sackville, N.S.

18100, November 20.—Express free collection and delivery limits prescribed for Yarmouth, N.S.

18107, November 22.—Central Ontario and Grand Trunk Railways required to restore joint rates on canned goods.

18109, November 22.—Canadian Pacific and Canadian Northern Railways required to publish joint rates on grain products from Grenfell, Sask., to Glenavon and Kipling, Sask.

18121, November 26.—Increased rate on coal from Detroit, Mich., to Windsor, Ont., suspended.

18123, November 22.—Express free collection and delivery limits prescribed for Sussex, N.B.

18135, November 27.—Reducing the interswitching charge of the Canadian Pacific Railway to and from Point-à-Carcy wharf, Quebec city.

18178, November 30.—Railway companies permitted to charge increased demurrage from December 15, 1912, to March 31, 1913, with the object of diminishing traffic congestion within terminals.

G.O. 98, December 6.—Railway companies directed to furnish according to their respective powers, heated refrigerator cars for shipments of fruit, vegetables and eggs during the cold weather.

18316, December 12.—Express free collection and delivery limits prescribed for Blind River, Ont.

G.O. 99, December 18.—Proposed tariffs of increased tolls for cartage disallowed, and new rate not to exceed $2\frac{1}{2}$ cents per 100 pounds, minimum 15 cents prescribed.

18346, December 23.—Express free collection and delivery limits prescribed for Port Arthur, Ont.

18376, December 24.—Great Northern Railway required to sell return tickets on its passenger trains from non-agency stations.

18412, December 30.—Flat rate area of the Bell Telephone Company in Montreal extended to the territory within a radius of 6 miles from the main exchange.

18413, December 31.—Express free collection and delivery limits prescribed for Winnipeg, Man.

1913.

18449, January 7.—Restoring and continuing the rate on crushed stone from St. Davids, Ont., to Toronto.

18489, January 7.—Express free collection and delivery limits prescribed for Megantic, Que.

18495, January 14.—Supplement No. 5 to Canadian Freight Classification No. 15 approved; the entire issue to be consolidated and published as Classification No. 16.

G.O. 100, January 16.—Revised regulations for the transportation of explosives approved.

18578, January 23.—Mileage tariffs on "ex-lake" corn to be reduced so as not to exceed the rates on "ex-lake" wheat, oats and barley.

18738, February 19.—Rates on lumber reduced from British Columbia points to points east of the Red River in Manitoba.

18771, February 19.—Rates on lumber reduced from British Columbia to points in Saskatchewan and Alberta, north of the C.P.R. main line.

18775, February 22.—Rates on wire fencing and wire netting reduced from Montreal to Ontario points.

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18787, February 27.—Increased rates on pulpwood to points in the United States, suspended on October 23, 1912, allowed to become effective on August 15, 1913.

18811, March 1.—The Canadian Pacific Railway Telegraph required to accept for transmission over its land lines, messages delivered by the Marconi Wireless Telegraph Co. at Glace Bay and Louisburg.

18825, March 5.—Railway companies required to restore the arrangement whereby apples were carried to concentration points for completion of carloads and reshipment, at a reduction of one-third from the local tariff rates to concentration point.

18886, March 18.—The Bell Telephone Company required to compute extra mileage for North Toronto subscribers from the Toronto Exchange limits as they existed on January 1, 1911, and to give the Moore Park district the Toronto flat rates.

APPENDIX 'E.'

BOARD OF RY. COM. FOR CANADA,
OTTAWA, March 31, 1913.

A. D. CARTWRIGHT, Esq.,
Secretary Railway Commission,
Ottawa, Ont.

SIR,—I beg to submit herewith a list of examinations and inspections made by the Engineering Department of the Board in the field and office, covering the period from March 31, 1912, to April 1, 1913; in addition, railway location maps, profiles and books of reference have been compared and checked with the route maps. Several hundred detail plans of bridges, subways, structures of all kinds, power wire crossings, pipe crossing and interlocking plans have been examined in the office during the same period, all of which have been submitted, and approved by the Board.

I have the honour to be, sir,

Your obedient servant,

GEO. A. MOUNTAIN,
Chief Engineer.

LIST OF INSPECTIONS MADE BY THE ENGINEERING DEPARTMENT
FROM MARCH 31, 1912, TO APRIL 1, 1913.

April 1.—Inspection of spur line of railway from Lambton to Weston, Ont., on the line of the Grand Trunk railway.

April 10.—Inspection of branch line of Canadian Pacific Railway to Longue Pointe, through the city of Montreal and town of Maissonneuve, P.Q.

April 11.—Inspection *re* application of Winnipeg Board of Trade for extension of telegraph delivery limits.

April 12.—Inspection of Brandon, Saskatchewan and Hudson Bay railway for exemption from fencing portions of its line from international boundary to Brandon, Man.

April 16.—Inspection of the Montreal terminals of the Canadian Pacific railway *re* Park Avenue crossing, Outremont, P. Q.

April 16.—Inspection of siding at Bashaw, Alta., on the line of the Grand Trunk Pacific railway, Tofield, Calgary branch.

April 17.—Inspection of crossing of Canadian Northern Ontario railway by the Campbellford, Lake Ontario and Western railway at Belleville, Ont.

April 17.—Inspection of crossing of Bay of Quinte railway by the Campbellford and Lake Ontario railway.

April 18.—Inspection of location of the Canadian Northern Ontario railway in the vicinity of Belleville, Ont.

April 19.—Inspection of branch line of the Canadian Pacific railway near Forsyth street and Moreau street, Montreal, P.Q., in the parish of Longue Pointe.

April 20.—Inspection of crossing of the public road by the Canadian Northern Ontario railway three miles west of Brighton, Ont.

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April 24.—Inspection of Georgian Bay and Seaboard railway *re* farm crossing for Joseph Meehan.

April 24.—Inspection of Central Vermont railway in Canada *re* packing of frogs and switches.

April 24.—Inspection of derailment on the line of the Canadian Northern Quebec railway near Lac à la Tortue station, P. Q.

April 25.—Inspection of Canadian Pacific railway *re* farm crossing for H. Sawyer, five miles west of Revelstoke, B. C.

April 25.—Inspection of Great Northern railway from Laurier to Danville for exemption from fencing.

April 25.—Inspection of Great Northern railway from Chopaka to Keremeos, B.C., for exemption from fencing.

April 26.—Inspection of site of proposed station, one and one-half miles south of Guelph Junction on the line of the Canadian Pacific railway.

April 30.—Inspection of Sandwich extension for opening for freight traffic on the Essex Terminals railway at Sandwich, Ont.

May 1.—Inspection of interlocking plant at crossing of Michigan Central railroad on the line of the Essex Terminals railway at Walkerville, Ont.

May 2.—Examination of Diamond Crossing of London street railway and Canadian Pacific railway span on Richmond street, London, Ontario.

May 2.—Application of J. R. Pole, of Appin, Ont., for farm crossing on the line of the Grand Trunk railway at Appin, Ont.

May 3.—Inspection of highway crossing one mile west of Grass Hill station, Ont., on the line of the Grand Trunk railway at Grass Hill, Ont.

May 4.—Inspection of Edmonton, Dunvegan and British Columbia railway near Morinville, Alberta, *re* location of station.

May 9.—Inspection of crossing of Third Concession road township of Stamford, in the line of the Grand Trunk Railway Co.

May 8-9-10-11-14-15-18-20.—Inspection of sections on eastern division of Canadian Pacific railway for extension of fencing.

May 9.—Inspection of site of grade level crossing asked for by parish of St. Cuthbert on the line of the Canadian Pacific railway at St. Cuthbert.

May 12.—Inspection of Canadian Northern Ontario railway *re* farm crossing for George Boyce, lot 22, township of Nepean, Ont.

May 12.—Inspection for traffic from Ruskin to Stave Falls on Western Canada Power Company's line.

May 13.—Inspection of the Great Northern railway from Guichon to Cloverdale, for exemption of fencing.

May 13.—Inspection of the Great Northern railway from Blaine to Colebrook for exemption of fencing.

May 13.—Inspection of the Great Northern railway from Colebrook to Brownsville, for exemption of fencing.

May 13.—Inspection of yard. Location of station on the line of the Grand Trunk railway at Richmond.

May 14.—Inspection of Burrard inlet Interlocker crossing Canadian Pacific Railway tracks at Vancouver on the line of the Great Northern railway and Canadian Pacific railway.

May 14.—Inspection of the Great Northern railway from Cloverdale to Sumas for exemption of fencing.

May 15.—Inspection of slide near mile 125, Ocean Park, on line of the Great Northern railway.

May 15.—Inspection of trestle over track, Nanaimo Coal Co. near Nanaimo, on the line of the Esquimalt and Nanaimo railway.

May 15.—Inspection of bridge at Farnham *re* breakage of pier at Farnham, Que., on the line of the Central Vermont railway.

May 16.—Examination of washout at culvert two miles north of St. Armand, on the line of the Central Vermont railway.

May 21.—Inspection of Main Street crossing at Victoriaville, Que., on the line of the Grand Trunk railway.

May 21.—Inspection of bridges, culverts and ditches at Bulstrode *re* complaint of citizens, Bulstrode, on the line of the Grand Trunk railway.

May 23.—Examination of washout at culvert one mile west of Bellevue Junction, on the line of the Quebec, Montreal and Southern railway.

May 23.—Inspection of bridge over the St. François river, on the line of the Quebec, Montreal and Southern railway.

May 23.—Inspection of Canadian Pacific railway for authority to open for traffic bridge 148.6 Portal subdivision.

May 25.—Inspection of interlocking plant at Nipissing Junction on the line of the Grand Trunk railway.

May 31.—Inspection of interlocking plants at Venlause canal and St. Lawrence river draw bridge at Coteau, Que., on the line of the Grand Trunk railway.

June 1.—Inspection of Canadian Pacific railway second main line double track between St. Martin's Junction and Ste. Therese, Que.

June 1.—Inspection of the Grand Trunk Pacific railway east of Prince Rupert, mile 100 to 164, opening for traffic.

June 3.—Inspection, opening for traffic, Canadian Pacific Railway Company's second track between Douglas, mileage 92.4, to Carberry, mileage 105.7; distance, 13.3 miles.

June 4.—Inspection of boundary subdivision bridge, mile 69.3, on the line of the Canadian Pacific railway, inspection for traffic.

June 4.—Inspection of crossing, Canadian Pacific railway at Grand Trunk track, Vancouver, for farm crossing on the line of the Canadian Pacific railway.

June 5.—Inspection, Grand Trunk Pacific Railway Company's application for authority to build a spur to serve Union stock yards in St. Boniface, crossing Springfield road, Dawson road and the line of the Canadian Northern railway.

June 5.—Inspection of the Canadian Pacific railway at highway crossing between counties of Wellington and Waterloo, just west of Wallenstein station, Ont.

June 6.—Inspection of Canadian Pacific railway for exemption from fencing portions of line of Ignace subdivision.

June 7.—Inspection of Canadian Pacific railway under section 237 for authority to construct its Moosejaw northwest branch across highways at mileage 100.051.

June 7.—Inspection of Okanagan and Arrow Lake subdivision on line of Canadian Pacific railway for exemption from fencing.

June 8.—Inspection of falling rock on track at Fisherman, B.C., on line of the Canadian Pacific railway.

June 10.—Inspection of Nakusp, Slocan and Lardo, on the line of the Canadian Pacific railway, for exemption from fencing.

June 10.—Inspection of proposed station grounds of the Canadian Northern Ontario railway at Smith's Falls, Ont.

June 10.—Inspection of farm crossing for J. Polk, lot 13, concession 2, township of Bastard, on the Canadian Northern Ontario railway.

June 10.—Inspection of location of Canadian Northern Ontario railway through farm of W. G. Mattice, township of Bastard, *re* Cattle pass.

June 12.—Inspection of the general location of the Canadian Northern Montreal Terminal and Tunnel Company, in the city of Montreal.

June 13.—Inspection of farm crossings on Canadian Pacific railway line near Pont Rouge, Que.

June 14.—Inspection of work done by order No. 14274 along Mr. Joseph Bejnoche's farm on the Grand Trunk railway line near Grande Line, Que.

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June 15.—Investigation and report *re* spur at Edmonton leading to Pintsch Compressing Company.

June 19.—Inspection, west of Edmonton, mile 874.6 *re* public road crossing on the line of the Grand Trunk Pacific railway.

June 24.—Inspection of half-interlocker installed on spur line of Canadian Copper Company at crossing of Algoma Eastern railway, near Copper Cliff, Ont.

June 24.—Inspection of interlocking plant at the crossing of the Grand Trunk railway by the Georgian Bay and Seaboard railway, near Eldon, Ont.

June 25.—Inspection of interlocking plant on the line of the Georgian Bay and Seaboard railway at crossing of Canadian Northern Ontario railway, near Brechin, Ont.

June 26.—Inspection for opening of traffic of the line of the Algoma Central and Hudson Bay railway north of Sault Ste. Marie, mileage 85 to 93.

June 26.—Inspection for opening for traffic Canadian Pacific Company's Moosejaw branch, southwesterly from mileage 27.4 to mileage 35.0 distance 7.6 miles.

June 26.—Inspection Great Northern railway from Abbotsford to Kilgard, for freight traffic.

June 27.—Inspection Mission branch at Mitsqui interlocking plant on the line of the Canadian Pacific railway and Great Northern railway.

June 27.—Inspection of Temiskaming branch of the Canadian Pacific railway in connection with exemption from fencing.

June 27.—Inspection for opening for traffic Canadian Northern Railway Company's second track from Moosejaw, mileage 0.6 to 16.2; distance, 15.6 miles.

June 28.—Inspection *re* location between Hope, B.C., and Coquahalla Summit on the Kettle Valley and Great Northern railway.

July 2.—Inspection of crossing of Grand Trunk railway by Campbellford, Lake Ontario and Western railway at Cobourg, Ont.

July 2.—Inspection of crossing of Ottawa street, Hamilton, Ont., by the double track main line of the Grand Trunk railway.

July 2.—Inspection of Hamilton Radial railway where it runs along the highway on Burlington Beach.

July 5.—Inspection of Grand Trunk Pacific crossing main line yards, Canadian Northern railway, leading into Union Stock Yards Company, St. Boniface.

July 8.—Inspection of interlocking plant at the draw bridge over the St. Lawrence river and Soulange canal on the Grand Trunk railway.

July 8.—Inspection of crossing of Michigan Central railroad by Niagara, Welland and Lake Erie railway at East Main street, Welland, Ont.

July 9.—Inspection of Atlantic, Quebec and Western railway for opening for traffic from Grande river to Gaspé station, Que.

July 10.—Inspection of the Atlantic, Quebec and Western railway in connection with intercrossing for Messrs. Shannon and Lalievre.

July 10.—Inspection of highway and farm crossing on Canadian Pacific railway at St. John and Admunston, N.B.

July 11.—Inspection of cattle guards on the Atlantic, Quebec and Western railway at Ste. Adelaide de Pabos, P.Q.

July 13.—Inspection, Grand Trunk Pacific application for road diversion in the northeast half section 8, range 23, township 7, west second meridian, district of Yorkton, Sask.

July 13.—Inspection, complaint, K. McCauley, Kamsack *re* drainage on line of Canadian Northern railway, 34-29-32, west first meridian.

July 13.—Inspection, interlocking plant at crossing of the Canadian Pacific railway at Emerson by Canadian Northern railway, St. Boniface, Man.

July 13.—Inspection, Grand Trunk Pacific *re* their lines to cross the double track Port William Electric railway on Syndicate avenue.

July 13.—Inspection of switches at Camrose crossing.

July 27.—Inspection of interlocker on the Canadian Pacific railway at Fergus, Ont.

July 17.—Inspection, Morinville to Athabaska Landing on the line of the Canadian Northern railway to report condition.

July 17.—Inspection, public road crossing between section 9 and 10-65-22, west 4th meridian, on the line of the Canadian Northern railway.

July 26.—Inspection of opening for traffic, Grand Trunk Pacific railway, Young-Prince Albert branch, from mileage 45.5 to Wakaw, mileage 67.0; distance, 21.5 miles.

July 26.—Inspection, opening for traffic, Canadian Pacific Railway Company's second track, Kenora subdivision, from mileage 114.54 to 119.06; distance, 54.2.

July 26.—Inspection Grand Trunk Pacific Railway Branch Lines Company, under section 15S, for approval of location of its Regina-Moosejaw branch, mileage 40.1 to 47.75.

July 26.—Inspection of Canadian Northern railway *re* highway crossings at Yarker and Newburg, Ont.

July 26.—Inspection of cattle pass on the Brockville, Westport and Northwestern railway at Lyn, Ont.

August 2.—Inspection of grade on the Lindsay, Bobcaygeon and Pontypool railway along the property of the Beal Leather Company, at Lindsay, Ont.

August 5.—Inspection of proposed location of Canadian Northern Ontario railway in township of Dorion.

August 6.—Inspection, Montrose avenue, Abbotsford, under crossing on the Great Northern railway, to check up accounts.

August 7.—Inspection, opening for traffic from Morinville to Athabaska Landing on line of the Canadian Northern railway.

August 9.—Inspection, Clover Bar spur to Humberstone mine, on line of the Grand Trunk Pacific *re* condition of mine.

August 15.—Inspection for opening for traffic of the Algoma Central and Hudson Bay railway from Hawk Lake Junction to Hobon, Ont., mileage 164 to 194.

August 16.—Inspection of Alberni Station site on the Esquimalt and Nanaimo railway, Vancouver Island, B.C.

August 17.—Inspection of C.P.R. from Vancouver to Kamloops, B.C. *re* exemption from fencing.

August 18.—Inspection for freight traffic from Pincher Creek to Beaver Mines on the line of the Kootenay Alberni railway.

August 18.—Inspection for traffic from Caithness to Waldo on the line of the Canadian Pacific railway.

August 20.—Inspection to report conditions from Laggan to Lake Louise, on the line of the Grand Trunk railway.

August 22.—Inspection of complaint of E. Linberg, watercourse at Hastings Creek, near Tofield, on the line of the Grand Trunk Pacific railway.

August 28.—Inspection of spur from Grand Trunk railway to the Ontario Hospital for the Insane at Whitby, Ont.

August 29.—Inspection of site for proposed diversion of Coldwater river and crossing facilities by the Canadian Pacific railway.

August 29.—Inspection of the interlocking plant on the Grand Trunk railway at crossing of Union stock yards siding with the Toronto Suburban railway on Keele street, near St. Clair avenue, Toronto.

August 27.—Inspection of complaint of R. Stuart Ross, Swift Current, against Canadian Pacific railway *re* farm crossing.

August 29.—Inspection, opening for traffic, Canadian Pacific Railway Company's Weyburn to Lethbridge branch from Ogama, mileage 52.20, to Viceroy, mile 75.85; speed restrictions of 15 miles per hour removed.

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August 30.—Inspection, opening for traffic, Canadian Pacific Railway Company's Swift Current southeasterly branch from Neville, mileage 27.4, to Vanguard, mileage 43.6; distance, 16.2 miles.

August 30.—Inspection of Canadian Pacific railway in connection with complaint of E. Agnews, of Campbellville, Ont., *re* fencing.

August 30.—Inspection of Kootenay Valley railway in connection with farm crossing, 28 miles west of Midway.

September 4.—Inspection of Canadian Northern Ontario railway in township of Camden, county of Addington, for fencing for traffic.

September 4.—Inspection of proposed crossing of Bridge street, Yarker, Ont. by the Canadian Northern Ontario railway.

September 5.—Inspection of Grand Trunk railway, near Gadshell *re* farm crossing for J. Rogers, lot 7, concession 10, township of Ellice.

September 5.—Inspection of Grand Trunk railway from Dunnville to Caledonia *re* condition of track.

September 5.—Inspection of Grand Trunk railway siding at Cainsville, Ont.

September 6.—Inspection of interlocking plant at crossing of Montreal Park and Island railway by spur from Grand Trunk railway to Canada Car Company's premises at Turcot, Que.

September 7.—Inspection of double track of the Canadian Pacific railway between St. Johns and Adirondack Junction, Que.

September 7.—Inspection of the Grand Trunk Pacific *re* Entwistle road to ascertain if it is suitable for public highway traffic.

September 9.—Inspection of location of spur for the North American Smelting Company from the Kingston and Pembroke railway at Kingston, Ont.

September 10.—Inspection, application of Mr. Hoffman, Borden, to have Shepard street or street farther west, opened across track of Canadian Northern railway in town of Borden, Sask.

September 11.—Inspection of Kingston and Pembroke railway for exemption from fencing highway diversion near Mississippi, Ont., and inspection of bridges.

September 12.—Inspection of the British Columbia Electric railway from 24th street to Eburne Junction, for opening of traffic.

September 13.—Inspection of location of Canadian Northern Ontario railway through lot 18, ranges A and 1, township of Westmeath, Ontario.

September 14.—Inspection of gates erected at Aylwin, Joliette and Nicolet streets, Montreal, P.Q., on the Canadian Northern Quebec railway, September 15.

September 15.—Inspection of Yamaska river bridge on the Central Vermont railway at Farnham, Que.

September 14.—Inspection for traffic Canadian Pacific Railway Company's Kootenay Central branch from Colville to Fort street, distance 23.0 miles.

September 15.—Inspection of Grand Trunk Pacific Prince Rupert, to mile 164, *re* condition of track.

September 9.—Inspection and report of application Canadian Northern railway for cut-off in west end of their yards with new yards at St. Boniface, lying east of Dawson road and St. Boniface.

September 15.—Inspection of Grand Trunk Pacific east of Prince Rupert, mile 164 to 174, *re* opening for traffic.

September 16.—Inspection of St. Lawrence and Adirondack railway at St. Stanislas, P.Q., *re* farm gates.

September 17.—Inspection, opening for traffic, Canadian Pacific Railway Company's Nakusp branch, from Three Forks to Bear Lake; distance, 5.2 miles.

September 20.—Inspection of Canadian Pacific railway, Vancouver, *re* application to terminate siding agreement with Vancouver Ice and Cold Storage Company.

September 23.—Inspection, Kootenay Valley railway road crossing, station 383.57, west of Trout creek, 7.3 miles west of Penticton, *re* level crossing not dangerous when work is completed.

September 25.—Inspection of crossing Niagara, St. Catharines and Toronto railway with Grand Trunk railway at Welland avenue, St. Catharines.

September 27.—Inspection, opening for traffic, Grand Trunk Pacific Railway Company's branch line, Regina Boundary branch from Regina, mileage 0, to Colfeet, mileage 47.9.

September 26.—Inspection of crossing of Ferguson avenue and O'Reilly street by the Toronto, Hamilton and Buffalo railway in city of Hamilton.

September 26.—Inspection of farm crossing of J. B. Leonard and W. Copp on the Hamilton Radial railway at Oakville, Ont.

September 25.—Inspection of complaint of James Arthur Pasqua *re* cattle pass against Grand Trunk Pacific railway.

September 27.—Inspection of farm crossing of Mr. Armstrong on the Grand Valley railway near Brantford, Ont.

September 28.—Application of London street railway and Canadian Pacific spur diamond crossing Richmond street, London, Ont.

September 30.—Inspection of proposed road diversion of highway between concessions 9 and 10, on the line of the Canadian Northern railway in township of Fitzroy.

September 30.—Investigation order 16930, authorizing Grand Trunk Pacific railway to maintain separate branch line to serve Union stock yards in St. Boniface, Man.

October 3.—Inspection of Chambers street crossing at Smiths Falls, Ont., by the Canadian Pacific railway.

October 3.—Inspection Neelin and Glenora branch of Grain Growers' Association *re* track condition between Geemay and Wakopa, Canadian Northern railway.

October 3.—Inspection *re* complaint of Ray Williams, Alberta Coal branch, mile 37, on the line of the Grand Trunk Pacific railway.

October 4.—Inspection for traffic of Alberta Coal branch mile 0 to 40, on the line of the Grand Trunk Pacific railway.

October 4.—Inspection *re* opening of Kelly avenue, Edmonton, street crossing on lines of the Grand Trunk Pacific and Canadian Northern railways.

October 4.—Inspection of farm crossing of O. Brazean at Cushing, P.Q., on the Canadian Northern Quebec railway.

October 7.—Inspection for traffic from Merritt to a point 29 miles east on the line of the Kootenay Valley railway.

October 7.—Inspection for traffic from Midway to Carnie, 46 miles, on the line of the Kootenay Valley railway.

October 8.—Inspection of Canadian Pacific railway double track, Adirondacks Junction to St. Constant, P.Q.

October 10.—Inspection of Atlantic, Quebec and Western railway *re* complaint of municipality of Grand River, Que., in connection with drainage highway and farm crossings.

October 11.—Inspection, opening for traffic, Regina Boundary line from Colfax, mileage 47.9, to Talmage, mileage 66.5; distance, 18.6 miles.

October 12.—Inspection, opening for traffic, Grand Trunk Pacific Regina to Moosejaw line from Moosejaw, at mileage 0, to mile 7 siding, mileage 34.7 miles.

October 12.—Inspection of Canadian Pacific railway from Fredericton station to Victoria, N.B.

October 15.—Inspection of Grand Trunk Pacific from Moosejaw main street crossing.

October 17.—Inspection of highway crossing at Sharbot Lake, Ont., on the line of the Canadian Pacific railway.

October 17.—Inspection, application Canadian Pacific railway for leave to cross the following highways with extension of its yards at Transcona: (1) Road on east of East Selkirk main line where it crosses lot 59; (2) Panet or Bird's Hill road; (3) Oxford street, municipality of Springfield.

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October 17.—Inspection of Canadian Pacific Railway Company's application for leave to construct sewer and water pipes across public highway crossing the east Kildonan road, known as Kelvin avenue, where it crosses lot 58 in the parish of Kildonan.

October 18.—Inspection, opening for traffic Grand Trunk Pacific railway, Biggar-Calgary line, from Biggar to No. 1 siding, 7.1 miles.

October 21.—Inspection of Canadian Northern Ontario railway *re* application for cattle pass from R. Hodgins of township of Fitzroy, county of Carleton, Ont.

October 21.—Inspection Grand Trunk Pacific Tofield-Calgary line, mile 121.4 to 162.6, *re* inspection for freight traffic.

October 23.—Inspection of location of Campbellford, Lake Ontario and Western railway through the farm of N. Bellew, lot 6, concession 1, township of Murray.

October 23.—Inspection of location of Campbellford, Lake Ontario and Western railway through farm of E. P. Flendall, lot 19, concession A, township of Murray.

October 23.—Inspection of application for authority to construct across Nairn street, in Winnipeg, one additional track on its new or South Manitoba line, known as Molson cut-off.

October 23.—Inspection, application of Canadian Pacific Railway Company for authority to construct an existing track on the Emerson branch; also additional track on the old or north main line across Montcalm street, in city of St. Boniface.

October 24.—Inspection of Canadian Pacific railway from Coronation to Consort, *re* inspection for freight traffic.

October 25.—Inspection, opening for traffic, Canadian Pacific Railway Company's second track from Belle Plaine, mileage 117.0, to Pasqua, mileage 126.6; distance, 10.5 miles.

October 26.—Inspection, opening for traffic, Canadian Pacific Railway Company's Moosejaw northwesterly line from Outlook, mileage 0, to Conquest, mileage 9.3.

October 26.—Inspection, opening for traffic, Canadian Pacific Railway Company's Wilkie northwesterly branch from mileage 0 to 27.8, removing speed limit of 16 miles per hour.

October 26.—Inspection of crossing of 6th avenue, Pointe aux Trembles, by the Canadian Northern Quebec railway.

October 28.—Inspection of Nipissing Central railway for opening for traffic, Haileybury to New Liskeard.

October 28.—Inspection, opening for traffic, Canadian Pacific Railway Company's Wilkie southwesterly branch from Wilkie to mileage 35.3.

October 29.—Inspection, Canadian Pacific railway, Bassano to Standard, for inspection for freight traffic.

October 30.—Inspection of crossing at Espanola, Ontario, on the line of the Canadian Pacific railway.

October 30.—Inspection of bridge connecting the city of Niagara Falls, New York, with the city of Niagara Falls, Ontario.

November 1.—Inspection of proposed crossing of the highway by the Canadian Northern Ontario railway between lots 8 and 9, range 2, township of Bristol, Que.

November 2.—Inspection, opening for traffic, Canadian Pacific Railway Company's second track from Secretan, mileage 44.7, to Chaplain, mileage 54.0; distance, 9.1 miles.

November 5.—Inspection of highway crossings in the municipality of Melbourne and Brampton Cove, P. Q., Orford subdivision of the Canadian Pacific railway.

November 5.—Inspection of location of Campbellford, Lake Ontario and Western railway through the farm of Edward Cox, lot 23, concession 1, township of Cramoke, Ont.

November 6.—Inspection of Grand Trunk railway at Huntingdon, P. Q., *re* farm crossings of Messrs. Jones, Sheriff and Shearer.

November 6.—Inspection of proposed crossing of highway between lots 6 and 7, concession B. F., township of Clarke.

October 29.—Inspection of crossing of 6th avenue, Pointe aux Trembles, over track of Canadian Northern Quebec railway.

November 6.—Inspection of crossing of highway between lots 20 and 21, township of Clarke, by the Campbellford and Lake Ontario and Western railway.

November 6.—Inspection of crossing of highway between lots 10 and 11, concession B. F., township of Clarke, by the line of the Campbellford, Lake Ontario and Western railway.

November 6.—Inspection of farm crossing on the Campbellford, Lake Ontario and Western railway in the township of Darlington, Ont.

November 6.—Inspection of location of Campbellford, Lake Ontario and Western railway through farm of James Cowie, lot 35, concession 1, township of Cramabe, Ont.

November 9.—Inspection of application, city of Fort William for order to install safety appliances for protection to pedestrians, traffic, etc., at intersection of Gore street with the main line of the Canadian Northern railway, city of Fort William.

November 14.—Investigation and report *re* application Department of Public Works, Province of Saskatchewan *re* complaint, Council Boards of L.I.D. Nos. 464, 493 and 494, against conditions of crossings on vicinity of Shelbrooke, Sask., on the Canadian Northern railway.

November 16.—Inspection of application, city of Brandon, to cross with its municipal railway, the Canadian Northern railway at 10th street.

November 19.—Inspection of Algoma Eastern railway for opening for traffic from Crean Hill, at mileage 22, to West river, mileage 60.76.

November 19.—Inspection of Canadian Northern Ontario railway *re* cattle passes and farm crossings at South March and Bells Corners.

November 20.—Inspection of site of crossing asked for the township of Beckwith across the line of the Canadian Pacific railway, near Carleton Place, Ont.

November 21.—Inspection of double track of the Canadian Pacific railway between White river and Tarpon, mileage 0, to 3.5, for opening for traffic.

November 21.—Inspection of double track of Canadian Pacific railway between Geneva and Cartier for opening for traffic.

November 22.—Inspection of main line of Algoma Central and Hudson Bay railway, from mileage 95 to Hawk Lake, mileage 164.5, for opening for traffic.

November 22.—Inspection of Canadian Pacific railway double track between Lacadie and St. Claude, Que.

November 22.—Inspection of proposed highway crossing of the Canadian Pacific railway at grade on lot 6, concession 3, township of Neelon, Ont.

November 22.—Inspection of Canadian Pacific railway double track for opening for traffic, Cartier, White river, Schreiber and Nepigon subdivisions.

November 25.—Inspection, opening for traffic, Canadian Pacific Railway Company's Moosejaw Branch from Rosetown to Conquest, distance 34.3 miles, removed speed limit of 20 miles per hour.

November 27.—Inspection of Campbellford, Lake Ontario and Western railway *re* complaint of Messrs. Maxwell and Pearse about farm crossing near Malvin, Ont.

November 28.—Inspection, opening for traffic, Canadian Pacific Railway Company's Landon extension, from Tillson, mileage 28.7, to Alida, mileage 54.72: distance, 26.02 miles.

November 29.—Inspection of Georgian Bay and Seaboard railway *re* complaint of Mr. Calvert, of Seaboro, Ont., about farm crossing.

November 29.—Inspection of drains on the line of the Grand Trunk railway in township of Humberstone, Ont.

November 30.—Inspection of Grand Trunk Pacific from mile 1027.8 to 1095.3, for opening for traffic.

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November 30.—Inspection, Great Northern railway, near New Westminster, *re* north road crossing.

November 30.—Inspection, Great Northern railway near New Westminster, Brunette street level crossing.

December 2.—Inspection, Great Northern Railway, road diversion near White Rock, B.C., *re* complaint of District of Surrey, B.C.

December 2.—Inspection of Great Northern railway, White Rock, B.C.; land-owners want undercrossing.

December 2.—Inspection of Great Northern railway near New Westminster main line *re* spur for Delta Shingle Co.

December 3.—Inspection of Great Northern railway near Abbotsford, B.C., *re* Abbotsford Timber and Trading Company, asking permission to cross Great Northern railway with logging track.

December 5.—Inspection of proposed crossing of the Kingston road by the Campbellford, Lake Ontario and Western railway, near Bowmanville, Ont.

December 4.—Inspection of location of Campbellford, Lake Ontario and Western railway across lot 19, section 2, township of Sydney, Ont.

December 4.—Inspection of farm crossing for Mr. Denyes on the line of the Campbellford, Lake Ontario and Western railway.

December 10.—Inspection of location of Campbellford, Lake Ontario and Western railway through farm of Mrs. M. Hawly, lot 31, concession 8, township of Camden, Ont.

December 10.—Inspection and report of Canadian Northern railway, Saskatchewan railway, to construct its main line and tracks across the tracks of the Grand Trunk Pacific, Canora branch, Yorkton and Saskatchewan.

December 5.—Inspection of Grand Trunk railway through lots 10 and 11, concession 2, township of South Dumfries, Ont.

December 11.—Inspection of drainage on farm of Mrs. Plunkett, lot 4, concession 7, township of Vaughan, near Woodridge, Ont., on the line of the Canadian Pacific Railway Company.

December 11.—Inspection of location of Campbellford, Lake Ontario and Western railway through the farm of M. and W. Lawlor, lot 45, concession 9, township of Camden, Ont.

December 11.—Inspection of location of Campbellford, Lake Ontario and Western railway through lot 32, concession 8, township of Camden, Ont.

December 11.—Inspection of location of Campbellford, Lake Ontario and Western railway through farm of Mrs. Brown, lot 44, concession 9, township of Camden, Ont.

December 11.—Inspection of location of Campbellford, Lake Ontario and Western railway through Michael Kennedy's farm, lot 49, concession 9, township of Camden, Ont.

December 11.—Inspection of location of Campbellford, Lake Ontario and Western railway through lot 50, concession 9, township of Camden, Ont.

December 11.—Inspection of location of Campbellford, Lake Ontario and Western railway through John Kelly's farm, lot 50, concession 9, township of Camden, Ont.

December 11.—Inspection of cattle pass on farm of W. M. Dowling, lot 43 concession 9, township of Camden, on the line of the Campbellford, Lake Ontario and Western railway.

December 11.—Inspection of the location of the Campbellford, Lake Ontario and Western railway through farm of T. Kennedy, lot 45, concession 9, township of Camden Ont.

December 11.—Inspection for opening for traffic of second main line track of Canadian Pacific railway between Hedge, mileage 124.6 and 127.8, Nipigon subdivision, also between Ramsey and Woman river, Chapleau subdivision.

December 12.—Inspection, opening for traffic, Canadian Pacific Railway Company's second track from Secretan, mileage 44.9, to Walker, mileage 43.0; distance, 1.9 miles.

December 12.—Inspection, opening for traffic, Grand Trunk Pacific, Regina to Moosejaw branch, from mileage 37.7 to mileage 40.

December 14.—Inspection of Canadian Northern railway line where they propose to divert Main street in city of Moosejaw.

December 14.—Inspection *re* complaint of Mr. Neil Gilmore, Moosejaw, *re* cattle pass on his property on west of section 2-17-25 of Grand Trunk Pacific branch lines, Regina to Moosejaw.

December 16.—Inspection of Campbellford, Lake Ontario and Western railway across farm of John Pearce on south half of lot 4, concession 4, township of Scarborough, *re* overhead crossing.

December 18.—Inspection of double track of Canadian Pacific railway from a point north of diamond crossing of Grand Trunk railway at St. Johns to St. Johns station, P.Q., for opening for traffic.

December 16.—Inspection of Campbellford, Lake Ontario and Western railway across the farm of Thomas Maxwell on lot 12, concession 4, township of Scarborough, Ont., *re* farm crossing.

December 17.—Inspection of location of Canadian Northern Ontario railway between concessions 12 and 13, township of Chisholm, Ont.

December 17.—Inspection of crossing of River road, Welland, Ont., by the Toronto, Hamilton and Buffalo railway.

December 18.—Inspection of crossing of Ferguson avenue, Hamilton, Ont., by the Grand Trunk railway.

December 18.—Inspection of line of Canadian Pacific railway along Mr. D. Caillard's property in township of McKim and Neelon near Sudbury, Ont., *re* farm crossings.

December 19.—Inspection of Central Vermont railway *re* general condition of roadbed.

December 20.—Inspection of highway between Lyn and Brockville *re* crossing of double track of Grand Trunk railway on lot 21, concession 1, township of Elizabethtown, Ont.

December 21.—Inspection of proposed crossings of Centre, Simcoe, Albert and Prospect streets by the Campbellford, Lake Ontario and Western railway in town of Oshawa, Ont.

December 21.—Investigation and report *re* Grand Trunk Pacific and Midland railway at St. James interlocking plant.

December 21.—Investigation *re* application of city of Fort William for spur track leading off Canadian Pacific railway, paralleling Neebing avenue.

December 23.—Inspection, opening for traffic, Canadian Pacific Railway Company's Weyburn to Lethbridge branch from Viceroy, mileage 75.85 to mileage 112.00, distance, 36.15 miles.

January 7.—Inspection of Provin's farm crossing on the line of the Campbellford, Lake Ontario and Western railway.

January 7.—Canadian Northern Ontario railway's proposed crossing between 12th and 13th concessions, township of Chisholm, on the line of the Canadian Northern Ontario railway, in the township of Chisholm.

January 7.—Inspection of trestle in the Union Terminals yard, city of Winnipeg, over Toyloves spur.

January 8.—Inspection of complaint of P. E. Cherbo, *re* killing of cow on the line of the Canadian Pacific railway at Sidar, B.C.

January 8.—Inspection of siding facilities at Guelph Junction on the line of the Canadian Pacific Railway Company.

January 8.—Inspection of Mr. Gaillard's application for crossing at Sudbury on the line of the Canadian Northern railway.

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January 9.—Inspection of proposed crossing at Sight Hill avenue, Toronto, on the line of the Canadian Pacific railway.

January 9.—Inspection for opening for traffic of the Canadian Northern railway double track on Chapleau and Nipigon subdivision on the line of the Canadian Northern railway.

January 10.—Inspection of complaint of rural municipality of Walpole *re* condition of crossings in that district on the line of Maryfield-Lethbridge branch of the Canadian Northern railway.

January 10.—Inspection of complaint of rural municipality of Walpole *re* condition of crossings in that district on the line of the Brandon-Regina branch of the Canadian Northern railway.

January 10.—Inspection of Magnetawan River bridge, an investigation of accident on the line of the Canadian Pacific railway.

January 10.—Inspection for opening for freight traffic spur at Chinook Coal Company's mine, near Kipp, Alberta, on the line of the Canadian Pacific railway.

January 14.—Inspection of traffic bridges Nos. 79.2 and 87.2, Barryvale, Ont., on the line of the Kingston and Pembroke railway.

January 16.—Inspection and report of Canadian Northern railway lines in general.

January 16.—Inspection, opening for traffic, Canadian Pacific Railway Company's Moosejaw southwestern line from mileage 0 to Dunkirk, mileage 27.4.

January 17.—Inspection, opening for traffic, Canadian Pacific Railway Company's Swift Current southeasterly line from mileage 0 to Neville, mileage 27.4.

January 19.—Investigation, opening for traffic, Canadian Pacific Railway Company's Swift Current northwesterly branch, mileage 33 to Cabri, mileage 34.8, distance 1.8 miles.

January 20.—Investigation of highway crossing, one and one-half miles west of Brockville, on the line of the Grand Trunk railway.

January 21.—Inspection of proposed street crossing on the line of the Campbellford, Lake Ontario and Western railway, at Oshawa.

January 21.—Inspection of crossing on 27th street, Edmonton street railway, near north yard, Grand Trunk Pacific railway.

January 21.—Inspection for opening for traffic, Canadian Pacific Railway Company's second track, Swift Current subdivision, from Caron, mileage 16.2, to Mortlock, mileage 25.6; distance, 9.4 miles.

January 22.—Inspection of proposed site of subway on Dundas street, Whitby, Ont., on the line of the Campbellford, Lake Ontario and Western railway.

January 23.—Inspection of all lines of the Canadian Northern Quebec railway in the province of Quebec.

January 24.—Inspection, highway level over Fort Saskatchewan trail, east of Edmonton, on the line of the Grand Trunk Pacific railway.

January 24.—Inspection for traffic, Alberta Coal branch, mile 36.6 to 56.4, on the line of the Grand Trunk Pacific railway.

January 24.—Inspection case heard at Winnipeg, December 16, 1912, *re* Canadian Pacific Railway Company's application for authority to construct additional track across Nairn avenue.

January 27.—Investigation, this with Mr. McLeod, *re* complaint of Clifford Phipps for diversion of creek on the Canadian Northern railway, section 16, township 31, R. 15, W. 4th.

February 6.—Inspection of T. Manson's farm crossing, Oakville, Ont., on the line of the Grand Trunk railway.

February 6.—Inspection, near New Westminster, on the line of the Great Northern railway.

February 7.—Inspection, complaint of J. A. McConnell, of McConnell, on the line of the Canadian Northern railway.

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February 7.—Inspection and investigation *re* report accident on Northern railway at M. P. 43, Rossburn subdivision, by which A. F. Wood was injured on June 4, 1912.

February 8.—Inspection of Lake Ste. Anne trail, between sections 9 and 16-54-26, W. 4 M., also between 9 and 10, in same township, on the line of the Canadian Northern railway.

February 12.—Inspection of Mack Winery road crossing, Stamford, Ont., on the line of the Grand Trunk railway and Michigan Central railroad.

February 13.—Inspection for passenger traffic, Pincher to Beaver Mines, on the line of the Kootenay and Alberta railway.

February 13.—Inspection of public road crossing on the line of the Kootenay and Alberta railway.

February 14.—Inspection of crossing of road allowance between concessions B. F. and L. township of Darlington, Ont., on line of Campbellford, Lake Ontario and Western railway.

February 15.—Investigation and report on application of the municipality of Waldeck, No. 166, *re* Canadian Pacific railway crossing North and South road allowance, section 33-16-11, W. 3rd, mileage 93.7.

February 17.—Inspection of proposed highway crossing, township of Clarke, on the line of the Campbellford, Lake Ontario and Western railway.

February 18.—Inspection of proposed crossing between lots 21 and 22, concession 1, Whitby, Ont., on the line of the Campbellford, Lake Ontario and Western railway.

February 18.—Investigation and report *re* Logan avenue crossing on the line of Canadian Pacific railway, city of Winnipeg.

February 18.—Investigation and report *re* application, Winnipeg electric street railway to cross spur track of Canadian Pacific railway, known as J. T. Griffin spur, Elmwood.

February 19.—Inspection of location of new water pipe to supply Mimico yards, New Toronto, Ont., on the line of the Grand Trunk railway.

February 20.—Inspection of application, Nash and Williams, to operate mine under railway, Edmonton, Dunvegan and British Columbia railway.

February 15.—Inspection of fence exemption, west of Edmonton, on the line of the Grand Trunk Pacific railway.

February 27.—Inspection of St. Remi and Decoucelle street crossing, Montreal, on the line of the Grand Trunk railway.

February 27.—Inspection of Papineau Avenue bridge, Montreal, on the line of the Canadian Pacific railway.

February 27.—Inspection of Living bridge across Lachine canal, Montreal, on the line of the Grand Trunk railway.

February 28.—Inspection of River Road bridge, St. Lambert, on the line of the Grand Trunk railway.

March 1.—Inspection of Red Deer Blackfalds spur on the line of the Canadian Pacific railway.

March 3.—Inspection of crossing in township of Scarborough, Cherrywood, on the line of the Campbellford, Lake Ontario and Western railway and Canadian Northern Ontario railway.

March 4.—Inspection of application of Bowennan's farm crossing at Cornell, on the line of the Michigan Central railroad.

March 4.—Inspection of interlocking plant at Canadian Pacific railway and Grand Trunk railway crossing, Woodstock, Ont., on the line of the Canadian Pacific and Grand Trunk railways.

March 5.—Examination of track *re* derailment, Leaside, Ont., on the line of the Canadian Northern Ontario railway.

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March 4.—Investigation and report into matter of accident on the Canadian Northern Railway at Fort Rouge yards, Winnipeg, by which Walter Emery was injured.

March 4.—Inspection of complaint of M. J. Bates, Homewood, Man., *re* flooding of his property.

March 5.—Inspection of location of proposed interswitching track, Owen Sound, on lines of Canadian Pacific and Grand Trunk railways.

March 6.—Examination of track *re* derailment, Cayuga, Ont., on the line of the Wabash railway.

March 6.—Inspection for traffic, Hammond to Westminster Junction, double track on the line of the Canadian Pacific railway.

March 6.—Inspection, Langley Prairie Farmers' Committee *re* fencing, Cloverdale to Aldergrove, on the line of the Great Northern railway.

March 6.—Inspection for traffic, bridge No. 57.9, London subdivision, on the line of the Canadian Pacific railway.

March 7.—Inspection of line between Toronto and North Bay northern division on the line of the Grand Trunk railway.

March 7.—Inspection of frogs and turnout in yards at Vancouver on the line of the Great Northern railway.

March 8.—Inspection of petition of James Topham, Kennay, Man.

March 8.—Inspection of rails between Trout Lake and Powassan, Ont., on the line of the Grand Trunk railway.

March 10.—Inspection *re* fence exemption Keremeos to Princeton, on the line of the Great Northern railway.

March 11.—Inspection *re* fence exemption, international boundary to Midway, on the line of the Great Northern railway.

March 11.—Examination of track *re* derailment of passenger train, Casselman, Ont., on the line of the Grand Trunk railway.

March 12.—Inspection *re* exemption from fencing, Bedlington to Nelson, line of the Great Northern railway.

March 12.—Inspection of complaint from Creston Board of Trade *re* fencing, Bedlington to Nelson line, on the line of the Great Northern railway.

March 12.—Inspection of location of proposed subway on Liberty street, Bowmanville, on the line of the Campbellford, Lake Ontario and Western railway.

March 13.—Inspection of highway crossing between townships of Portland and Camden, Harrowsmith, on the line of the Canadian Northern Ontario railway.

March 14.—Inspection of March Road crossing, six miles west of Ottawa, township of March, on the line of the Canadian Pacific railway.

March 18.—Inspection of Thompson Road crossing, Bridgeburg, Ont., on the line of the Grand Trunk railway, Michigan Central railroad and Wabash railroad.

March 19.—Inspection of road diversion made in accordance with Board's order, Churchillville, Ont., on the line of the Canadian Pacific railway.

March 19.—Inspection *re* exemption from fencing, international boundary to Rossland, on the line of the Great Northern railway.

March 19.—Inspection of overhead foot bridge at Queen street, Palmerston, erected in accordance with Board's order, Palmerston, Ont., on the line of the Grand Trunk railway.

March 20.—Inspection of railway companies' culverts and bridges across St. Pierre river, Rockfield, Que., on the lines of the Canadian Pacific railway and Grand Trunk railway.

March 22.—Inspection, Montrose avenue undercrossing on the line of the Great Northern railway.

March 27.—Inspection, opening for traffic, east of Prince Rupert, mile 181 to 195, on the line of the Grand Trunk Pacific railway.

March 31.—Investigation and inspection of Canadian Pacific railway crossing in the parish of Rosser and Kildonan.

APPENDIX "F"

ANNUAL REPORT OF THE OPERATING DEPARTMENT, FOR YEAR
ENDING MARCH 31, 1913.

The work of the Department being so extensive, it is impossible, without occupying undue time and space, to make mention of all the details of the year's work. But the matters touched upon below, in addition to the various formal statements, will perhaps convey some idea as to the nature of the work in the department.

During the year ending the 31st of March, 1913, accidents to the number of 2,547 were reported by the various railway companies under the jurisdiction of the Board, covering 643 persons killed and 2,231 persons injured, as set forth in statement No. 1.

Statement No. 2 shows the total number of persons killed and injured and the nature of the accidents on each railway during the year.

Statement No. 3 shows separately the number of passengers, employees and others killed and injured, and the nature of the accidents.

Statement No. 4 shows the increases and decreases in the various accidents during the year, compared with similar accidents in the year ending March 31, 1912.

Statement No. 5 shows the increases and decreases in accidents by railways, compared with like accidents in the year ending March 31, 1912.

Statement No. 6 shows separately the increases and decreases of accidents to passengers, employees, and others during the year, compared with similar accidents in the year ending March 31, 1912.

Accidents to the number of 621, covering 277 persons killed and 865 injured, were investigated and reported upon by the Board's Operating Officers, as will be noted in statements Nos. 7, 8, 9, 10, and 11.

On referring to statement No. 6, the reader will observe that 154 more persons were killed and 320 more injured in 1913 than in 1912.

It is gratifying to note a decrease of 26 in the number of persons killed by derailments; but it is to be regretted that there is an increase of 96 in the number of persons injured by derailments. This increase, which appears somewhat large, has not been the result of an increase in the number of derailments. The increase, in fact, can be traced to three or four unfortunate derailments which occurred on the lines of the Grand Trunk, Wabash, and Bay of Quinte railways, due, so far as experts have been able to ascertain, in one case, to a broken tendertruck; in another, to a broken tire on the driving wheel of an engine; and in the others, to track conditions. Inquiries into derailments have brought out the fact that track conditions are largely responsible for such accidents. This is mostly accounted for by the fact that railway companies have not, on the whole, increased the efficiency of their roadbeds proportionately with the increases in the weight of their rolling stock.

As to the number of persons killed and injured in collisions, a glance at the figures under head-on collisions shows an increase of 18 in the number of persons killed, and of 50 in the number of persons injured. The figures under rear-end collisions show an increase of 3 in the number of persons killed, and 59 in the number of persons injured. In the case of the increase in head-on collisions, the unfortunate accident at Streetsville Junction on the C.P.R. on Thanksgiving day, 1912, might be mentioned as contributing largely. As to the increase in rear-end collisions, no particular accident can be singled out, the increase appearing to have been brought about by a number of accidents occurring mostly on the lines of the Grand Trunk and Canadian Pacific railways. It is indeed unfortunate that accidents, the result of head-

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on and rear-end collisions, are on the increase. At first thought, it would seem almost imperative that railway companies should be required to adopt, without undue delay, some form of positive block system on all lines. But we must not lose sight of the very important fact that the great majority of such accidents result from the non-observance of operating rules in effect.

Under the heading of "Trespassers," it will be observed that 251 were killed, and 116 injured, an increase of 89 in the number killed, and a decrease of 6 in the number injured.

A division of the totals as above, shown by provinces, is as follows:—

	Killed.	Injured.
Ontario.. . . .	132	62
Quebec.. . . .	35	21
Alberta.. . . .	19	7
Saskatchewan.. . . .	14	10
British Columbia.. . . .	31	7
Manitoba.. . . .	14	6
New Brunswick.. . . .	4	2
Novia Scotia.. . . .	1	1
Yukon.. . . .	1	
Total	251	116

It is suggested that railway companies take action against parties found trespassing on their property, as provided for by the statutes. Only in this way, it would seem, can this destruction of life be prevented.

It is gratifying to note a decrease in the number of highway crossing accidents. At protected crossings, there is a decrease of 3 killed and 12 injured; and, at unprotected crossings, a decrease of 7 killed and 5 injured. Investigations into accidents at protected crossings brought out the fact that in every case, with one exception, when gatemen neglected to lower gates, the injured person or persons were alone responsible. As to accidents at unprotected highway crossings, it might be noted that the bulk of such accidents happened at crossings where the view of trains was fairly good. In fact, more accidents happen at what might be considered non-dangerous crossings than at crossings where the view is very bad.

Accidents under the heading of "Unclassified" show a decrease of 41 killed and 176 injured. This is due to the fact that a number of new headings have been introduced, and, as a consequence, a number of accidents which heretofore appeared under "Unclassified," now appear under new headings. The same remark applies to accidents under the heading "Run down in yard, &c.," which shows a decrease of 132 injured. The accidents, under "Unclassified" are, as a rule, accidents of minor importance.

Accidents to employees resulting from the adjustment of couplers in the coupling and uncoupling of cars, show an increase of 18 killed and 29 injured. Inquiry into such accidents shows that employees are not careful enough when switching cars, being apparently willing to take chances and go between cars to adjust knuckles when the cars are in motion; and the matter of improvement in the way of decreasing injuries under this head is in the hands of the men themselves.

Under the heading "Locomotive dropped crown sheet of fire box" it will be noted that one employee was killed and ten injured, an increase of seven injured over last year. In every case the accident was due to low water.

The inspection of safety appliances on equipment has been given very close attention during the year, as will be seen from statement No. 12, which sets out in detail the various defects reported. During the year, 137,054 home and foreign cars

were inspected; and defects to the number of 14,186 were reported, the percentage of defects running up as high as 56.13.

While reports show that there has been a decided improvement in the up-keep of the equipment, etc., still there is ample room for closer attention and better work under this head.

The large percentage of home and foreign cars reported with air brakes inoperative would warrant the railway companies in issuing instructions to their inspectors at interchange points to give more careful attention to this very important safety appliance, as it would seem from the heavy percentage of foreign cars with defective air equipment reported, that sufficient attention is not being given to this part of the equipment by our Canadian railway inspectors at interchange points, as they are apparently accepting cars with air-brake defects which should be remedied before being accepted or be repaired before being allowed to proceed.

Reports also show that a very large percentage of uncoupling levers on both home and foreign cars are inoperative on account of defective conditions, such as broken chains, broken clevises, pins out of place, etc. This is a very important safety device for the prevention of men going between the cars, and should receive more consideration from the railway companies than they are apparently giving it at present.

While the conditions are such that in many instances it would warrant a fine being imposed upon the railway companies for the defective condition of these very important safety appliance devices, we find that when the attention of the railway officials is called to the defects, they are willing and ready at all times to remedy them. The defects complained of could be very easily remedied at very moderate cost by providing more suitable arrangements.

Reports show that safety appliances on passenger equipment are being well kept up; a decided improvement has been made in regard to the general up-keep of the cars; and the rules and regulations regarding the cleanliness of the interior of the cars is fairly well lived up to. During the year, 1,022 passenger cars were inspected.

During the year, locomotives to the number of 5,473 were inspected as regards safety and fire protection appliances, and the care of boilers and their appurtenances.

Reports show that order No. 16570 issued by the Board in connection with fire protection appliances is receiving careful attention from railway companies.

While there has been a decided improvement in safety appliances on locomotives, reports received still show a large number of defects, principally in uncoupling lever devices, hand grabs, broken springs, etc. However, railway companies immediately take steps to have the defects remedied on their attention being called to same.

In the matter of rules and instructions for the inspection and testing of locomotive boilers and their appurtenances, as per order No. 14115, dated April 14, 1911, reports received show 4,725 locomotives owned by railway companies under the jurisdiction of the Board; and the number of annual inspection reports and specifications of the locomotive boilers received would indicate that the railway companies are living up to the requirements of the order.

Number of monthly reports received	52,295
Number of annual reports received	3,745
Number of specifications received	3,172

Since the inception of the Board of Railway Commissioners, the matter of railway safety appliance standards has been regulated by sections 264 and 268 of the Railway Act; and orders issued from time to time by the Board, until February 17, 1913.

In 1910, an Act to promote the safety of employees and travellers on railways was passed by the United States Congress, compelling all railroad companies under the jurisdiction of the Interstate Commerce Commission to equip their cars and

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locomotives in accordance with the regulations known as the United States Safety Appliance Standards.

Owing to the large number of cars interchanged between Canada and the United States, and the number of locomotives used in international traffic, it was deemed advisable to have a uniform standard of safety appliances regulations for both countries; and, on recommendation of the Board's operating officers, after a hearing before the Board, order No. 102, dated February 17, 1913, was issued, standardizing safety appliance equipment, to conform to sections 264 and 268 of our Canadian Railway Act and the requirements of the Interstate Commerce Commission.

It will be noted from statement No. 13 that 90 highway crossings, at which accidents happened, were inspected and reported upon as to view, etc.

Statement No. 14 shows that 51 highway crossings were inspected and reported upon as to view, etc., on being complained of to the Board as being dangerous and requiring protection.

On referring to statement No. 15, we find that protection, in various forms, was provided at 87 highway crossings during the year. In almost every case, the Railway Grade Crossing Fund furnished financial assistance.

Statement No. 16 shows that station locations to the number of 184 were examined and approved during the year. The majority of the sites approved, it will be noted, cover points in Western Canada.

The principal orders concerning operating matters are summarized in statement No. 17.

Station buildings and surroundings, to the number of approximately 800, were inspected as to cleanliness, accommodation, etc., during the year.

Complaints of a general character, to the number of approximately 600, were inquired into, and reported upon by this department. These complaints are mentioned in the secretary's portion of the report for the year.

In addition to the large number of complaints of a formal nature, such as those above referred to, the inspectors have reported upon many other matters requiring attention—observed while doing other work, taken up in an informal way, and settled directly with the railway companies.

To accomplish the work briefly outlined herewith, has required the travelling of approximately 450,000 miles, or an average of 1,500 miles a day.

It is gratifying to notice that our principal railway companies are taking a deep interest in the "Safety First" idea; and, with such vigorous effort to reduce accidents to the minimum, there can be nothing but success in the end.

In order to reduce to a minimum the number of injuries to enginemen through derailment while running engine tender first, circular No. 103, issued January 3, 1913, directs all railways subject to the Board's jurisdiction to issue instructions requiring that engines running tender first, other than suburban tank engines equipped with pilot on tender, shall not exceed a speed of twenty (20) miles an hour.

On account of the number of accidents to employees through riding on engine pilots, railway companies have, by the issuance of circular No. 94, dated October 21, 1912, been directed to issue instructions to the effect that the practice of riding on engine pilots, except when switching in yards, be discontinued.

The matter of requiring railway companies to provide some definite form of protection for car repairers, as made mention of in circular No. 98, dated November 12, 1912, is still under consideration by the department. Railway companies are now filing statements giving the name of each point at which car repairers are located, and explaining the manner in which car repair tracks at such points are now protected.

Attention is called to the issuance of circular No. 102, under date of January 18, 1913, pointing out to the various railway companies the importance of issuing to officials in charge of motive power such instructions as will insure change of wheels

on locomotives and tenders before flanges are so badly worn as to come under the M.C.B. standard defect gauge, thereby reducing to a minimum the chance of derailment from sharp flanges.

The matter of standardizing the location of the emergency valve in passenger equipment was spoken to before the Board at a sitting in January, when it was suggested that further particulars be obtained.

The investigation of certain accidents attended by personal injury brought out the fact that, had the emergency valve been readily accessible, loss of life and property could, in many cases, have been prevented.

Railway companies are now filing plans of suggested standard location; and it is expected that the matter will be satisfactorily disposed of shortly.

Investigations into certain accidents attended by personal injury, the result of collisions and derailments, established the fact that a large number of passengers were killed and injured by the telescoping of cars.

With a view to having railway companies adopt some form of truck and body-bolster locking device, to prevent the trucks from leaving the body of car, thereby preventing cars from telescoping, the matter was spoken to before the Board at a sitting in February, at which sitting one of the principal railway companies submitted a model of a truck and body-bolster locking device recently put into use on a number of modern passenger cars.

In view of such device being only in the experimental stage, it was thought best to defer the matter for a time, to note results.

With the number of high speed motor cars now in use on the various railways, and the number being continually added to, the question of whether or not railways should be called upon to equip the same with a warning signal for use when approaching highway crossings, is under consideration as made mention of in circular No. 92, dated October 2, 1912.

Reference is herewith made to order No. 17211, dated July 24, 1912, requiring railway companies to adopt and put into force, not later than the first day of November, 1912, a uniform code of regulations, as approved by the Board, governing the testing of hearing and eye-sight of employees engaged in the operation of trains.

Several meetings have been held with officials of the electric railway companies under the Board's jurisdiction, with a view to their adoption of a uniform code of operating rules; but, on account of there being so much difference in the operating conditions of the various electric railways, it was found that it would be somewhat difficult to provide a satisfactory set of rules; so, in view of this, the matter of a uniform code of rules was dropped for the time being, and the various electric railway companies are now compiling and submitting to the Board for approval, operating rules applicable to their respective lines.

Positive protection from collision has already been provided at a large number of level, or what is known as "diamond" crossings, by the installation of interlocked signalling and derailling appliances; but there are still a great many level crossings at which the form of protection is not above criticism, and in order to bring about uniformity in the protection provided and establish adequate protection, the Engineering and Operating departments are jointly considering the advisability of requiring the installation of interlocking plants at all level crossings not so protected; but on account of the large number of such crossings and the special circumstances affecting each, it will take time to secure satisfactory results.

The matter of providing some efficient form of protection at junction points—where one line intersects another—is one of considerable importance. The railway companies are at present submitting particulars of protection, if any, now provided at the various junction points, for consideration by the Engineering and Operating departments; but, on account of the large number of junction points, it will be some time before the matter is finally disposed of.

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THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

STATEMENT No. 1.—Showing the Number of Persons Killed and Injured on Various Railways in Canada under the jurisdiction of the Board for the Year ending March 31, 1913.

Name of Railway.	Passengers.		Employees.		Other Persons.		Total.	
	K.	I.	K.	I.	K.	I.	K.	I.
Algoma Central and Hudson Bay.....			1	1			1	1
Algoma Eastern and Tran. Co.....					1		1	
Bay of Quinte.....	2	23		2			2	25
Brockville, W. P. and N. W.....					1		1	
Boston and Maine.....			1				1	
British Columbia Electric.....					1	1	1	1
Canadian Pacific.....	13	143	140	281	147	76	300	500
Canadian Northern.....	1	32	21	490	23	22	45	544
Canadian Northern Quebec.....		17	5	74	4	2	9	93
Canadian Northern Ontario.....		2	10	22	2	8	12	32
Central Vermont.....		12	2	2		1	2	15
Central Ontario.....			1		1		2	
Dominion Atlantic.....			1	4	1	2	2	6
Grand Trunk.....	4	146	3	226	102	79	179	451
Grand Trunk Pacific.....			3	182	8	7	31	189
Great Northern.....				1				1
Klondike Mines.....					1		1	
Kingston and Pembroke.....			1	2	1		2	2
London and Lake Erie Trans. Co..		2	2				2	2
Michigan Central.....	1	4	1	104	8	6	20	114
Niagara, St. Catharines and Tor- onto.....					1		1	
Ottawa and New York.....					1		1	
Oshawa.....		1			1		1	1
Pere Marquette.....		4	3	15	4	1	7	20
Quebec Ry., Light and Power Co..			1				1	
Quebec, Montreal and Southern.....				7				7
St. Lawrence and Adirondack.....		1		5				6
Toronto, Hamilton and Buffalo.....		2	2	149	5	3	7	154
Temiscouata.....				1			1	
Vancouver, Victoria and Eastern..		1	1	10	3	1	4	12
Winnipeg Joint Terminals.....			2	3	1	3	3	6
Windsor, Essex and Lake Shore.....				1	1	2	1	3
Wabash.....		20	2	22		4	2	46
	21	410	303	1,603	319	218	643	2,231

STATEMENT No. 2.—Showing the Character of Accidents Sustained by the Persons Killed and Injured on the Various Railways under the Jurisdiction of the Board for the Year ending March 31, 1913.

Name of Railway.	Derailment.		Collision head-on.		Collision rear-end.		Collision in yard.		Collision with cars standing foul of main line.		Collision with cars, account open switch.		Collision at level crossing.		Public highway crossing protected by gates.		Public highway crossing protected by bell.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Algoma Central and Hudson Bay																		
Bay of Quinte		25																
Brockville W. P. and N. W.	2																	
Boston and Maine																		
British Columbia Electric																		
Canadian Pacific	9	63	18	63	9	36	3	29							1	3	3	2
Canadian Northern	33			5	1	7	1	6										
Canadian Northern Quebec	20			2		1												
Canadian Northern Ontario	3	2										14						
Central Vermont																		
Central Ontario																		
Dominion Atlantic	3																	
Grand Trunk	3	126	3	31	5	34	3	5	2	1					5	2	1	2
Grand Trunk Pacific	2	12	2			2		4										
Great Northern																		
Klonike Mines																		
Kingston and Pontrope																		
London, Lake Erie Trans. Co.				2	2													
Michigan Central	1					3	1	1										1
Niagara, St. Catharines and Toronto																		
Ottawa and New York																		
Oshawa		1																
Pere Marquette					1	1												
Quebec Railway L. and P. Co.																		
Quebec, Montreal and Southern					3													
St. Lawrence and Adirondack																		
Toronto, Hamilton and Buffalo		2						5										
Temiscouata																		
Vancouver, Victoria and Eastern		6														1		
Winnipeg Joint Terminals																		
Windsor, Essex and Lake Shore		23	1	5		3		1										
Wabash																		
	19	317	26	108	16	90	8	51	2	1		15			6	6	4	5

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STATEMENT No. 2.—Showing the Character of Accidents Sustained by the Persons Killed and Injured on the Various Railways under the Jurisdiction of the Board for the Year ending March 31, 1913—Continued.

	Public highway protected by watchmen.		Public highway unprotected.		Private crossing.		Trespassing.		Working on or under engine.		Unclassified.		Adjusting couplers, coupling and uncoupling.		Working on track or bridge.		Falling off, hand car, motor or velocipede.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Algoma Central and Hudson Bay.....																		
Algoma Eastern.....							1							1				
Bay of Quinte.....							1											
Brookville W. P. and N. W.....									1									
Boston and Maine.....																		
British Columbia Electric.....																		
Canadian Pacific.....										2	15	36	6	25	11	25	2	8
Canadian Northern.....	1	14	1	20	1		115	43	2	46	6	120	2	20	3	96	1	21
Canadian Northern Quebec.....	1	1					19	13	1	2		17		3		9		2
Canadian Northern Ontario.....							2	6			1	5		1	4			2
Central Vermont.....							2				1					9		2
Central Ontario.....								1										
Dominion Atlantic.....							1											
Grand Trunk.....	1	7	16		1		79	41	1	8	12	38	12	22	4	17	1	1
Grand Trunk Pacific.....							8	5		11	3	40	3	5	2	40	2	6
Great Northern.....																		
Klondike Mines.....							1											
Kingston and Pembroke.....							1											
London, Lake Erie Trans. Co.....																		
Michigan Central.....							4			4	30		2	3		20	1	2
Niagara, St. Catharines and Toronto.....			3	4			1											
Ottawa and New York.....							1											
Oshawa.....			1															
Pere Marquette.....																		
Quebec Railway L. and P. Co.....			1				4		1		7		1	3		1		
Quebec, Montreal and Southern.....																1		
St. Lawrence and Adirondack.....														1		1		
Toronto, Hamilton and Buffalo.....														1		5	1	4
Temiscouata.....							5	1		17		2		4				
Vancouver, Victoria and Eastern.....							1					38						
Winnipeg Joint Terminals.....							3								1	2		
Windsor, Essex and Lake Shore.....			1	2			1	2								1		
Wabash.....										7		1	1					
	3	29	48	2			251	116	4	111	46	336	29	92	25	227	8	47

STATEMENT No. 2.—Showing the Character of Accidents Sustained by the Persons Killed and Injured on the Various Railways under the Jurisdiction of the Board for the Year ending March 31, 1913—*Continued.*

Name of Railway.	Hand car, motor or velocipede, struck by train.		Crawling under cars.		Crawling through cars over couplers.		Caught while passing through cars between couplers.		Cars standing foul.		Struck by water spout, switch stand, mail crane, etc.		Crushed between cars and building, lumber pile, platform, etc.		Explosion of locomotive boiler.		Falling off passenger train.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Algoma Central and Hudson Bay																		
Algoma Eastern																		
Bay of Quinte																		
Brookville W. P. and N. W.																		
Boston and Maine																		
British Columbia Electric	9	7					2	1	1	1	1	5				7	7	
Canadian Pacific		4			1		2	2	1	1	5	5	1	3		1	2	
Canadian Northern														1				
Canadian Northern Quebec																		
Canadian Northern Ontario		1																
Central Vermont																		
Central Ontario																		
Dominion Atlantic	1						5	1	1	1		3	3	2		1	3	
Grand Trunk	4	2					1	1			4	1	1	2		1		
Grand Trunk Pacific	2										1							
Great Northern																		
Klondike Mines																		
Kingston and Pembroke																		
London, Lake Erie and Trans. Co.																		
Michigan Central													1					
Niagara, St. Catharines and Toronto																		
Ottawa and New York																		
Oshawa													1					
Pere Marquette																		
Quebec Railway, L. and P. Co.																		
Quebec, Montreal and Southern																		
St. Lawrence and Adirondack												3					1	
Toronto, Hamilton and Buffalo		1																
Tennessouan																		
Vancouver, Victoria and Eastern		1												1				
Winnipeg Joint Terminals																		
Windsor, Essex and Lake Shore																		
Wabash																		
	16	16			1	7	5		3	1	21	7	9			10	13	

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STATEMENT No. 2.—Showing the Character of Accidents Sustained by the Persons Killed and Injured on the Various Railways under the Jurisdiction of the Board for the Year ending March 31, 1913—Continued.

Name of Railway.	Falling off tender while handling coal.		Falling off tender while taking water.		Working in shop.		Riding on pilot of engine.		Overhead bridge.		Repairing cars on repair track, when moved by engine.		Falling off top of car while walking over train.		Falling between cars going over top.		Train parting and colliding.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Algoma Central and Hudson Bay.																		
Algonia Eastern.																		
Bay of Quinte.																		
Brockville W. P. and N. W.																		
Boston and Maine.																		
British Columbia Electric.																		
Canadian Pacific.																		
Canadian Northern.																		
Canadian Northern Quebec.																		
Canadian Northern Ontario.																		
Central Vermont.																		
Central Ontario.																		
Dominion Atlantic.																		
Grand Trunk.																		
Grand Trunk Pacific.																		
Great Northern.																		
Klondike Mines.																		
Kingston and Pembroke.																		
London, Lake Erie Trans. Co.																		
Michigan Central.																		
Niagara, St. Catharines and Toronto.																		
Ottawa and New York.																		
Oshawa.																		
Pere Marquette.																		
Quebec Railway L. and P. Co.																		
Quebec, Montreal and Southern.																		
St. Lawrence and Adirondack.																		
Toronto, Hamilton and Buffalo.																		
Teniscouata.																		
Vancouver, Victoria and Eastern.																		
Winnipeg Joint Terminals.																		
Windsor, Essex and Lake Shore.																		
Wabush.																		
	4		8		3	176	1	9			3	2	10	43	2	7	1	8

STATEMENT No. 2.—Showing the Character of Accidents Sustained by the Persons Killed and Injured on the Various Railways under the Jurisdiction of the Board for the Year ending March 31, 1913—*Continued.*

Name of Railway.	Jumping off train in motion.		Attempt to board train in motion.		Locomotive dropped crown sheet of fire box.		Repairing cars on running track, when moved by engine.		Electro- cuted.		Run down in yard by switch engine or other engine or moving cars.		Caught in frog guard rail or switch rod.		Caught while throwing down side or end ladders.		Falling off cars while climbing up or coming down side or end ladders.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Algoma Central and Hudson Bay.																		
Algoma Eastern																		
Bay of Quinte																		
Brockville W. P. and N. W.																		
Boston and Maine.																		
British Columbia Electric																		
Canadian Pacific	6	27	13	18		4	2	1	2		26	27	2		2		3	
Canadian Northern		5	1	4		3	2		1		3	13			1		5	
Canadian Northern Quebec		2									2						1	
Canadian Northern Ontario.											1							
Central Vermont																		
Central Ontario																		
Dominion Atlantic																		
Grand Trunk	6	10	7	1	3	1	1				12	14		3	1	2		5
Grand Trunk Pacific		2	3								4	4						
Great Northern																		
Klondike Mines																		
Kingston and Pembroke																		
London, Lake Erie Trans. Co.																		
Michigan Central		1	2	5			1				5	2						
Niagara, St. Catharines and Toronto.																		
Ottawa and New York																		
Oshawa																		
Père Marquette.		2										1						
Quebec Railway L. and P. Co.																		
Quebec, Montreal and Southern.																		
St. Lawrence and Adirondack.				1														
Toronto, Hamilton and Buffalo.		3	2									1		2				
Temiscouata.																		
Vancouver, Victoria and Eastern.		1									1	1						
Winnipeg Joint Terminals																		
Windsor, Essex and Lake Shore.												1						
Wabash.																		
	12	53	16	40	1	10	6	2	3		55	64	2	7	1	5		15

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STATEMENT No. 2.—Showing the Character of Accidents Sustained by the Persons Killed and Injured on the Various Railways under the Jurisdiction of the Board for the Year ending March 31, 1913—*Concluded.*

Name of Railway.	Falling off car while working hand brake.		Asphyxiated in tunnel.		Handling freight.		Loading and unloading O.C.S. material.		Building and repairing.		Working in coal chute.		Cars moved while loading or unloading.		Total.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Algoma Central and Hudson Bay.															1	1
Algoma Eastern.															1	1
Bay of Quinte.															2	25
Brockville W. P. and N. W.															1	1
Boston and Maine.															1	1
British Columbia Electric.					1				4		1				1	1
Canadian Pacific.	2				27	1	1	21		4		3			300	500
Canadian Northern.	3				2	3		6					2		45	544
Canadian Northern Quebec.								1							9	93
Canadian Northern Ontario.															12	32
Central Vermont.															2	15
Central Ontario.															2	2
Dominion Atlantic.															2	6
Grand Trunk.	1				3			7		1					179	451
Grand Trunk Pacific.					3			17		3					31	189
Great Northern.															1	1
Klondike Mines.															1	1
Kingston and Pembroke.															1	2
London, Lake Erie Trans. Co.															2	2
Michigan Central.					1			4			1		1		20	114
Niagara, St. Catharines and Toronto.															1	1
Ottawa and New York.															1	1
Oshawa.															1	1
Pere Marquette.															1	1
Quebec Railway L. and P. Co.											1				7	20
Quebec, Montreal and Southern.											1				1	7
St. Lawrence and Adirondack.															6	6
Toronto, Hamilton and Buffalo.					15			4			1				7	154
Temiscouata.															1	1
Vancouver, Victoria and Eastern.														1	4	12
Winnipeg Joint Terminals.															3	6
Windsor, Essex and Lake Shore.															1	3
Wabash.															2	46
	6		3	52	1	61	4	8	1	7	2	3	643	2,231		

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STATEMENT No. 3.—Showing Separately the Number of Passengers, Employees and others Killed and Injured and the Nature of the Accidents, for the Year ending March 31, 1913.

Character of Accidents.	Passengers.		Employees		Others.		Total.	
	K.	I.	K.	I.	K.	I.	K.	I.
Derailment.....	3	218	16	96		3	19	317
Collision head on.....	2	52	24	46		10	26	108
Collision rear end.....	1	40	12	48	3	2	16	90
Collision in yard.....		13	8	38			8	51
Collision with cars standing foul of main line.....			2	1			2	1
Collision with cars account open switch.....		12		3				15
Collision at level crossing.....								
Highway crossing protected by gates.....				1	6	5	6	6
Highway crossing protected by bell.....					4	5	4	5
Highway crossing protected by watchman.....				1		2		3
Highway crossing unprotected.....					29	48	29	48
Private crossing.....					2		2	
Trespassing.....					251	116	251	116
Working on or under engine.....			4	111			4	111
Unclassified.....	2	28	29	297	15	11	46	336
Adjusting couplers, coupling and uncoupling.....			29	92			29	92
Working on track or bridge.....			25	227			25	227
Falling off hand car, motor, velocipede.....			8	47			8	47
Hand car, motor, velocipede, struck by train.....			15	16	1		16	16
Crawling under cars.....								
Crawling between cars over couplers.....				1				1
Caught while passing through cars between couplers.....			7	4		1	7	5
Cars standing foul.....				3				3
Struck by switch stand, water spout, etc.....			1	21			1	21
Crushed between cars and buildings, platforms, etc.....			5	7	2	2	7	9
Explosion of locomotive boiler.....								
Falling off passenger train.....	7	10	3	3			10	13
Falling off tender while handling coal.....				4				4
Falling off tender while taking water.....				8				8
Working in shop.....			3	176			3	176
Riding on pilot of engine.....			1	9			1	9
Overhead bridge.....								
Cars on repair track moved while men at work.....			3	2			3	2
Falling off top of car while walking over train.....			9	43	1		10	43
Falling between cars, walking over train.....			2	7			2	7
Train parting and colliding.....			1	8			1	8
Getting off train in motion.....	3	21	7	24	2	8	12	53
Attempt to board train in motion.....	2	15	14	25			16	40
Locomotive dropped crown sheet of firebox.....			1	10			1	10
Repairing cars on running tracks when mov d.....			6	2			6	2
Electrocuted.....			3				3	
Run down in yard by moving engines or cars.....	1	1	52	61	2	2	55	64
Caught in frog, guard rail, or switch rod.....			2	7			2	7
Caught while throwing switch.....			1	5			1	5
Falling off cars while climbing ladders.....				15				15
Falling off cars while working hand brake.....				6				6
Asphyxiated in tunnel.....								
Handling freight.....			3	52			3	52
Handling O. C. S. material.....			1	61			1	61
Building and repairing.....			4	8			4	8
Working in coal chute.....			1	7			1	7
Cars moved while loading or unloading.....			1		1	3	2	5
Drawbridge open.....								
	21	410	303	1663	319	218	945	2331

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STATEMENT No. 4.—Comparative Statement in Totals of Killed and Injured between Year ending March 31, 1912, and Year ending March 31, 1913, Separately and for each Accident.

Character of Accidents.	1912.		1913.		1913.			
					Increase.		Decrease.	
	K.	I.	K.	I.	K.	I.	K.	I.
Deraiment.....	45	221	19	317		96	26	
Collision head on.....	8	58	26	108	18	50		
Collision rear end.....	13	31	16	90	3	59		
Collision with cars foul of main line.....	5	7	2	1			3	6
Collision with cars account open switch.....	2	39		15			2	24
Collision in yard.....			8	51	8	51		
Collision at level crossing.....	2	4					2	4
Highway crossing protected.....	13	26	10	14			3	12
Highway crossing unprotected.....	36	53	29	48			7	5
Private crossing.....		2	2		2			2
Trespassing.....	162	122	251	116	89			6
Working on or under engine.....	1	102	4	11	3	9		
Unclassified.....	87	512	46	336			41	176
Adjusting couplers, coupling and uncoupling.....	11	63	29	92	18	2		
Working on track or bridge.....	14	91	25	227	11	136		
Falling off hand car, motor, velocipede.....	4	11	8	47	4	36		
Hand car, motor, velocipede, struck by train.....	13	9	16	16	3	7		
Crawling under cars.....		4						4
Crawling between cars over couplers.....		7		1				6
Caught while passing through cars between couplers.....			7	5	7	5		
Cars standing foul.....		3		3				
Struck by switch stand, water spout, etc.....	2	22	1	21			1	1
Crushed between building, cars, platform, etc.....		13	7	9	7			4
Explosion of locomotive boiler.....								
Falling off passenger train.....	7	15	10	13	3			2
Falling off tender while handling coal.....		4		4				
Falling off tender while taking water.....		10		8				2
Working in shop.....	5	171	3	176		5	2	
Riding on pilot of engine.....	1	7	1	9		2		
Overhead bridge.....	2						2	
Cars on repair track moved while men at work.....		4	3	2	3			2
Falling off top of car while walking over train.....	2	29	10	43	8	14		
Falling between cars walking over train.....	2	3	2	7		4		
Train parting and colliding.....			1	8	1	8		
Getting off train in motion.....	8	43	12	53	4	10		
Attempt to board train in motion.....	4	26	16	40	12	14		
Locomotive dropped crown sheet of fire box.....	1	3	1	10		7		
Repairing cars on running track when moved.....			6	2	6	2		
Electrocuted.....			3		3			
Run down in yard by moving engine or cars.....	38	196	55	64	17			132
Caught in frog, guard rail or switch rod.....		2	7		2	7		
Caught while throwing switch.....		1	5		1	5		
Falling off cars while climbing ladders.....				15		15		
Falling off cars while working hand brake.....				6		6		
Asphyxiated in tunnel.....								
Handling freight.....			3	52	3	52		
Handling O. C. S. material.....			1	61	1	61		
Building and repairing.....			4	8	4	8		
Working in coal chute.....			1	7	1	7		
Washout.....	1						1	
Cars moved while loading or unloading.....			2	3	2	3		
Drawbridge open.....								
Increase.....					244	708		
Decrease.....							90	388
Increase for year 1913.....					154	320		

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STATEMENT No. 5.—Comparative Statement in Totals of Killed and Injured between Year ending March 31, 1912, and Year ending March 31, 1913, and each Railway Separately.

Name of Railway.	1912.		1913.		1913.			
					Increase.		Decrease.	
	K.	I.	K.	I.	K.	I.	K.	I.
Algoma Central.....		1	1	1	1			
Algoma Eastern.....			1		1			
Bay of Quinte.....			2	25	2	25		
Brockville, W. P. and N. W.....			1		1			
Boston and Maine.....		1	1		1			1
British Columbia Electric.....	1		1	1		1		
Canadian Pacific.....	277	364	300	500	23	136		
Canadian Northern.....	24	516	45	544	21	28		
Canadian Northern Quebec.....	7	64	9	93	2	29		
Canadian Northern Ontario.....	11	28	12	32	1	4		
Central Vermont.....	1	9	2	15	1	6		
Central Ontario.....	1	1	2		1			1
Dominion Atlantic.....	2	2	2	6		4		
Grand Trunk.....	112	542	179	451	67	4		91
Grand Trunk Pacific.....	23	118	31	189	8	71		
Great Northern.....	1	2		1			1	1
Klondike Mines.....			1		1			
King-ton and Pembroke.....	2		2	2		2		
London and Lake Erie Trans. Co.....			2	2	2			
Michigan Central.....	11	109	20	114	9	5		
Niagara, St. Catharines and Toronto.....	1	1	1					1
Ottawa and New York.....			1		1			
Oshawa.....	1		1	1		1		
Pere Marquette.....	1	12	7	0	6	8		
Quebec Railway Light and Power.....	2	3	1				1	3
Quebec, Montreal and Southern.....	1	22		7			1	15
St. Lawrence and Adirondack.....				6		6		
Toronto, Hamilton and Buffalo.....	3	57	7	154	4	97		
Temiscouata.....	1		1					
Vancouver, Victoria and Eastern.....	1	8	4	12	3	4		
Winnipeg Joint Terminals.....			3	6	3	6		
Windsor, Essex and Lake Shore.....		1	1	3	1	2		
Wabash.....	3	36	2	46		10	1	
Q.M. and S. and Central Vermont.....		6						6
Esquimalt and Nanaimo.....	1						1	
C.P.R. and G.T.R.....		1						1
Montreal Terminals.....		2						2
Hamilton Radial.....		1						1
Victoria and Sydney.....	1	2					1	2
Montreal Park and Island.....		2						2
Increase.....					160	447		
Decrease.....							6	127
Increase for year 1913.....					154	320		

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STATEMENT No. 6.—A Comparative Statement of Killed and Injured between Year ending March 31, 1912, and Year ending March 31, 1913.

	Passengers.		Employees.		Others.		Total.	
	K.	I.	K.	I.	K.	I.	K.	I.
Year ending March 31, 1912.....	28	292	230	1,378	231	241	489	1,911
Year ending March 31, 1913.....	21	410	303	1,603	319	218	643	2,231
Increase over 1912.....		118	73	225	88		154	320
Decrease over 1912.....	7					23		

STATEMENT No. 7.—Showing Collisions Attended by Personal Injury Investigated during year ending March 31, 1913.

File.	Date.	Place.	Railway.	Killed.	Injured.
Inv.					
1987	Feb. 14, 1912.	Belleville.	G.T.R.	1	
1998	Mar. 6, 1912.	Crombies, one and half miles south.	C.P.R.		1
2003	Jan. 5, 1912.	Dalton.	C.P.R.	1	1
2015	Mar. 28, 1912.	Merrittton.	G.T.R.		1
2022	Apr. 12, 1912.	Port Hope.	G.T.R.	2	1
2038	Feb. 22, 1912.	St. Angele.	C.V.R.		6
2046	May 10, 1912.	Guelph.	G.T.R.		1
2047	Apr. 8, 1912.	Fraserville.	G.T.R.		15
2066	June 14, 1912.	Red Rock, Mile 66-8.	C.P.R.	3	5
2072	May 24, 1912.	Toronto, Union Station.	G.T.R.		1
2074	June 6, 1912.	Tappen.	C.P.R.	1	
2077	June 6, 1912.	Victoria Yard.	M.C.R.		1
2080	Jan. 22, 1912.	Point St. Charles.	G.T.R.		1
2085	July 5, 1912.	Cainsville.	B. & H. E.	1	1
2094	June 8, 1912.	Grass Hill.	G.T.R.	1	5
2097	June 13, 1912.	West Peterborough.	C.P.R.		1
2101	May 23, 1912.	St. Lambert.	Q.M. & S.		3
2105	May 21, 1912.	Mileage 13½.	C.P.R.		4
2106	May 27, 1912.	Wanapitei.	C.P.R.		1
2107	May 2, 1912.	Craigs, Mileage 60-6.	C.P.R.	1	
2125	July 12, 1912.	Newtonville.	G.T.R.		1
2139	Jan. 8, 1913.	St. Vincent de Paul.	C.P.R.	6	25
2140	June 4, 1912.	Portage Junction.	C.N.R.		7
2149	May 6, 1912.	Mimico Yard.	G.T.R.		1
2167	June 21, 1912.	Prince Rupert, near Mile 41.	G.T.P.		1
2169	June 29, 1912.	Fiske Pit.	C.N.R.		1
2171	May 29, 1912.	Mileage 6.	E. & N. R.	1	
2172	July 21, 1912.	Toketic.	C.P.R.	1	3
2182	July 18, 1912.	Rigaud.	C.P.R.		13
2185	Aug. 15, 1912.	Mileage 2, near Fort William.	C.N.R.	1	1
2199	Aug. 29, 1912.	St. Lambert.	G.T.R.	1	
2202	Aug. 4, 1912.	Hochelega.	C.P.R.		1
2203	July 20, 1912.	Crest.	G.T.P.	1	1
2217	July 20, 1912.	Watmore.	C.P.R.	2	6
2221	July 16, 1912.	Benny.	C.P.R.		2
2222	Aug. 12, 1912.	Belleville Yard.	G.T.R.	1	
2223	July 30, 1912.	West Lorne, 1½ miles east.	P.M.R.	1	
2233	July 26, 1912.	Ardley.	G.T.P.	1	
2234	Aug. 13, 1912.	Ketson, near M.P. 875 and 876.	G.T.P.		1
2285	Oct. 28, 1912.	Streetsville Junction.	C.P.R.	2	30
2328	Sept. 5, 1912.	Mimico.	G.T.R.		5
2332	Sept. 26, 1912.	Mimico.	G.T.R.		1
2340	Oct. 19, 1912.	Mileage 39, Havelock Sub.	C.P.R.	1	
2377	Oct. 14, 1912.	Wainwright.	G.T.P.	1	
2388	Nov. 23, 1912.	London, near.	L. & L. E.	2	2
2390	Aug. 31, 1912.	Matawa, 1½ miles west.	C.P.R.	4	4
2392	Nov. 19, 1912.	Wessex.	C.P.R.	1	4
2394	Aug. 4, 1912.	Twced Yard.	C.P.R.	1	2
2399	Oct. 17, 1912.	Parkhill.	G.T.R.	1	5
2402	Nov. 15, 1912.	Portage la Prairie.	G.T.P.		1
2418	Oct. 18, 1912.	Urin, Sask.	C.P.R.	1	
2421	Oct. 25, 1912.	Toronto, Strachan Avenue.	C.P.R.		8
2422	Oct. 28, 1912.	Cartier, Man.	C. N. R.		2
2439	Nov. 23, 1912.	Iberville.	C. P. R.		1
2441	Nov. 29, 1912.	Morrisburg.	G. T. R.		1
2449	Dec. 15, 1912.	Windsor Yard.	Wabash.		1
2460	Dec. 17, 1912.	Oakville.	G.T.R.		2
2461	Dec. 18, 1912.	Ivanhoe.	C.P.R.	1	2
2462	Dec. 11, 1912.	Tanners Siding, near Wauhasheen.	G. T. R.	1	2
2463	Dec. 6, 1912.	King Station.	G. T. R.		1
2466	Dec. 14, 1912.	Nelles Corners.	Wabash.	1	
2469	Nov. 29, 1912.	Alba.	G. T. P.		2
2490	Jan. 24, 1913.	Coteau Jet.	G. T. R.		1
2501	Nov. 26, 1912.	Duluth Jet., M.P. 227.	C. N. R.	1	4
2504	Dec. 8, 1912.	Coteau Diamond.	G. T. R.		1
2507	Nov. 20, 1912.	Transcona.	G. T. P.		1
2508	Jan. 6, 1913.	Winnipeg.	C. N. R.		1

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STATEMENT NO. 7.—Showing Collisions Attended by Personal Injury Investigated during Year ending March 31, 1913.—*Continued.*

File.	Date.	Place.	Railway.	Killed.	Injured.
2511	Nov. 6, 1912	Brandon	C. P. R.	1	
2514	Jan. 6, 1913	Gravel	C. P. R.	1	1
2526	Jan. 11, 1913	Fushiini	C. P. R.	1	
2539	Jan. 20, 1913	Coteau Junction	G. T. R.		2
2549	Feb. 20, 1913	St. Lambert	G. T. R.		5
2555	Nov. 7, 1912	Carberry, Man.	C. N. R.		1
2564	Feb. 7, 1913	Glencoe	G. T. R.	2	3
2565	Feb. 8, 1913	Donnacona	C. N. Q.	1	
2566	Feb. 5, 1913	Grand Merc	C. N. Q.		1
2568	Feb. 3, 1913	Rivière à Pierre	C. N. Q.		2
2570	Feb. 8, 1913	Hochelaga Yard	C. P. R.	1	
2587	Jan. 29, 1913	London Tunnel	M. C. R.		3
2591	Jan. 12, 1913	Prescott Yard	G. T. R.	1	1
2595	Feb. 21, 1913	St. Lambert	C. V. R.		14
2604	Mar. 3, 1913	Belleville	G. T. R.	1	
2608	Feb. 15, 1913	Station 7522, Mileage 205.4	C. N. O.	1	1
2617	Jan. 17, 1913	Nixon Station	Wabash		1
2638	Jan. 5, 1913	Pontypool, 2 miles east	C. P. R.	1	1
2640	Mar. 3, 1913	Ridgway	G. T. R.		10
2641	Mar. 3, 1913	Guelph	C. P. R.		1
Total				55	243

STATEMENT NO. 8.—Showing Derailments attended by Personal Injury Investigated during Year ending March 31, 1913.

File.	Date.	Place.	Railway.	Killed.	Injured.
Inv.					
1989	Jan. 7, 1912.	Cardinal Yard.	G. T. R.	1	
1993	Feb. 4, 1912.	Langham.	C. N. R.		1
2002	Mar. 3, 1912.	Hawarden.	C. P. R.	1	1
2005	Jan. 30, 1912.	Shevlin, $\frac{1}{2}$ mile west.	C. N. R.		5
2008	Jan. 22, 1912.	Cote, $\frac{1}{2}$ mile east.	C. N. R.	18	8
2016	Mar. 23, 1912.	Bright.	G. T. R.		1
2020	Jan. 28, 1912.	Between Ochre and Pelson.	C. N. R.		7
2024	Apr. 11, 1912.	Savona, 5 miles west.	C. P. R.		2
2032	Apr. 4, 1912.	Mileage 124.	C. N. R.		14
2039	May 3, 1912.	Mileage 48 $\frac{1}{2}$, Toronto Sub.	C. P. R.		2
2049	Mar. 7, 1912.	Blackwell.	G. T. R.		2
2062	May 21, 1912.	White Rock, 2 miles north.	V. V. & E.		5
2068	Feb. 28, 1912.	Mileage 149, Saskatoon Sub.	C. N. R.		1
2098	June 4, 1912.	Strome, 1 $\frac{1}{2}$ miles west.	C. P. R.	1	
2111	Apr. 26, 1912.	Minitonas, M. P. 78.	C. N. R.		1
2110	June 14, 1912.	Gravel Station, Mile 30.4.	C. P. R.		2
2115	July 1, 1912.	Mileage 174.	C. N. R.	1	2
2116	July 12, 1912.	Shaganappi.	C. P. R.		10
2126	May 29, 1912.	Woodlands.	C. N. R.		1
2131	June 14, 1912.	M. P. 16.	C. N. R.		3
2132	June 25, 1912.	M. P. 72 and 72.5.	C. N. R.		2
2146	July 16, 1912.	Mile 21.44.	C. P. R.	1	
2165	July 15, 1912.	Dunnville, 4 $\frac{1}{2}$ miles west.	G. T. R.		25
2192	July 2, 1912.	M. P. 246.	C. N. R.		1
2231	June 4, 1912.	Premier.	C. P. R.		9
2236	Sept. 1, 1912.	Summitt stand pipe.	T. H. & B.		1
2247	Oct. 2, 1912.	Kingston.	B. of Quinte.	2	14
2249	Aug. 6, 1912.	Berlin Spur track.	G. T. R.		1
2255	Aug. 2, 1912.	M. P. 30 near Gillespie.	G. T. P.		1
2256	July 3, 1912.	M. P. 32, 1 mile south Gray.	G. T. P.		1
2258	June 4, 1912.	M. P. 43 Rossburn Sub.	C. N. R.		1
2261	Sept. 14, 1912.	Bridge 582.5 East.	C. N. R.		1
2262	Sept. 26, 1912.	Chatham W. Prairie Siding.	G. T. R.		35
2267	Oct. 14, 1912.	Rawdon Pit.	C. N. O.		1
2286	Aug. 31, 1912.	Chatham, 1 $\frac{1}{2}$ miles east.	Wabash.		7
2304	Sept. 29, 1912.	Near Red Pass, B.C.	G. T. P.	1	
2315	Sept. 27, 1912.	Kenora.	C. P. R.		1
2357	Oct. 23, 1912.	South Edmonton.	C. N. R.		1
2362	Sept. 28, 1912.	Mileage 3.2.	C. N. R.		1
2366	Nov. 10, 1912.	M. P. 6, West of Chapleau.	C. P. R.		2
2369	Nov. 25, 1912.	Mosher's Quarry Siding.	D. A. R.		1
2382	Nov. 25, 1912.	Fitzgerald.	C. P. R.	2	11
2391	Nov. 9, 1912.	Canning, N. S.	D. A. R.		2
2401	Nov. 1, 1912.	Lanaroie.	C. P. R.	2	3
2414	Nov. 19, 1912.	Rush Lake.	C. P. R.	1	1
2419	Aug. 16, 1912.	Mileage 38.5.	C. P. R.		6
2425	Nov. 19, 1912.	Barrington, one mile south.	G. T. R.		2
2450	Jan. 1, 1913.	St. Cuthbert Station.	C. N. Q.		15
2474	Nov. 5, 1912.	Barr, Man.	G. T. P.		1
2475	Dec. 31, 1912.	Vancouver.	V. V. & E.		1
2479	Nov. 21, 1912.	Canford Spur, B. C.	C. P. R.	1	
2486	Jan. 6, 1913.	Les Ecureuils.	C. N. Q.		3
2512	Nov. 22, 1912.	M. P. 17.	C. N. R.		1
2516	Jan. 20, 1913.	Tobique.	C. P. R.	1	1
2521	Jan. 18, 1913.	M. P. 981.	G. T. P.		1
2522	Jan. 31, 1913.	M. P. 104.5.	G. T. P.		4
2525	Dec. 18, 1912.	Mile 100, Oak Point Sub.	C. N. R.		2
2535	Dec. 18, 1912.	Bridge 62.4.	C. P. R.	1	3
2546	Oct. 19, 1912.	Swan River.	C. N. R.		1
2590	Mar. 3, 1913.	Leaside, near.	C. N. O.	2	1
2620	Feb. 8, 1913.	Newbury.	C. P. R.		12
2625	Feb. 24, 1913.	Adirondack Junction.	C. P. R.	1	
2634	Mar. 10, 1913.	Casselman.	G. T. R.		7
2635	Mar. 27, 1913.	Maxwell.	G. T. R.		23
2642	Mar. 3, 1913.	Hanover, north of.	G. T. R.		10
Total.				37	285

SESSIONAL PAPER No. 20c

STATEMENT No. 9.—Showing Highway Crossing Accidents attended by Personal Injury Investigated during Year ending March 31, 1913.

File.	Date.	Place.	Railway.	Killed.	Injured.
Inv.					
1994	Mar. 6, 1912.	Didsbury, one and a half miles north.	C. P. R.	1	
2000	Dec. 13, 1912.	Sharbot Lake, crossing east of yard.	C. P. R.		1
2006	Jan. 26, 1912.	Neepawa, crossing east.	C. P. R.		1
2007	Mar. 19, 1912.	Trancona, M. P. 8 crossing.	G. T. P.		1
2012	Mar. 19, 1912.	Vancouver, Front St. crossing.	V. V. & E.	1	
2018	Apr. 5, 1912.	Hamilton Trolley St. crossing.	G. T. R.		3
2019	Mar. 30, 1912.	Hamilton, Walnut St. crossing.	T. H. & B.		1
2021	Feb. 7, 1912.	Ladysmith, Government Rd. crossing.	C. P. R.	1	
2025	Apr. 23, 1912.	Walton, Main St. crossing.	C. P. R.		2
2027	Apr. 24, 1912.	Grand Valley, first crossing east.	C. P. R.		2
2028	Apr. 2, 1912.	Piles Jct., first crossing west.	C. P. R.	3	
2033	Jan. 9, 1912.	Plaisance, first crossing west mile 84½.	C. P. R.		1
2054	Nov. 21, 1912.	St. Joachim, Fortin's Farm crossing.	Q. R. L. & P.	1	
2065	Feb. 24, 1912.	Digby, Maiden Lane crossing.	D. A. R.	1	
2067	Mar. 29, 1912.	Macoun, M., 123, crossing west.	C. P. R.	1	
2076	May 24, 1912.	Tilbury Station, crossing east.	C. P. R.		1
2078	May 23, 1912.	Tavistock, Hope St. crossing.	G. T. R.	2	
2084	May 27, 1912.	Montreal, Fulford St. crossing.	G. T. R.	1	
2086	June 16, 1912.	St. John, de Salaberry St. crossing.	C. P. R.		1
2087	May 2, 1912.	Buckingham, McLarens Lumber spur.	C. P. R.		1
2089	May 16, 1912.	Oshawa, First Avenue crossing.	Oshawa.	1	
2096	June 14, 1912.	Toronto, Berkeley St. crossing.	G. T. R.		1
2099	Mar. 13, 1912.	Altona, Fourth St., crossing.	C. P. R.		1
2112	Mar. 15, 1912.	Minnedosa, Main St. crossing.	C. P. R.		3
2124	July 10, 1912.	Chesterville, Main St. crossing.	C. P. R.	1	
2127	May 1, 1912.	St. Johns, John St. crossing.	G. T. R.		3
2137	July 8, 1912.	Cooksville, Dundas St. crossing.	C. P. R.		1
2150	May 5, 1912.	Windsor, crossing, 4½ miles south.	W. E. & L. S.		1
2153	June 16, 1912.	Tyndall, first crossing east of station.	C. P. R.	2	1
2160	July 9, 1912.	London, William St. crossing.	G. T. R.		3
2177	July 12, 1912.	Montreal, Guy St. crossing.	G. T. R.		1
2189	June 21, 1912.	Mileage 1, crossing 2950 ft. west.	C. P. R.	1	
2194	Aug. 3, 1912.	Point Grey, Townsend Road crossing.	B. C. Ele.	1	
2195	July 17, 1912.	Newmarket, Water St. crossing.	G. T. R.		1
2206	Aug. 27, 1912.	Forks' Creek, crossing one mile west.	M. C. R.		1
2207	July 12, 1912.	Arthur, 2½ miles west.	C. P. R.	1	
2208	Aug. 15, 1912.	Niagara Falls, Ferry Road crossing.	M. C. R.	1	
2212	Aug. 15, 1912.	West Toronto, Royce Avenue crossing.	C. P. R.		1
2213	Aug. 12, 1912.	Montreal, Mountain St. crossing.	G. T. R.	1	
2215	Aug. 28, 1912.	West Toronto, Strachan Avenue crossing.	G. T. R.		1
2216	July 24, 1912.	Brandon, Lorne Avenue crossing.	C. N. R.		1
2253	Sept. 7, 1912.	Golden, crossing one mile west.	C. P. R.	1	
2271	Sept. 18, 1912.	St. Martin's Jct., Gauthier crossing.	C. P. R.	1	
2292	Sept. 2, 1912.	Brighton M. P. 238 crossing.	G. T. P.	1	
2293	Sept. 30, 1912.	Tilsonburg, Tilson Avenue Crossing.	C. P. R.		3
2294	Oct. 17, 1912.	Leamington, 6th Con. Road Crossing.	M. C. R.	1	
2312	Nov. 4, 1912.	Toronto, Greenwood Avenue crossing.	G. T. R.	1	
2317	Oct. 19, 1912.	Montreal, Papineau Avenue crossing.	C. P. R.		1
2321	Oct. 19, 1912.	Brantford, Chatham St. crossing.	G. T. R.	1	
2322	Oct. 12, 1912.	Mileage 105-7, crossing at concession 4.	C. P. R.		1
2323	Sept. 25, 1912.	High Rivers, Macleod Trail crossing.	C. P. R.	1	
2324	Nov. 14, 1912.	Chatham, Lacroix St. crossing.	C. P. R.		1
2326	Aug. 16, 1912.	Toronto, Sherbourne St. crossing.	C. N. O.		1
2327	Oct. 22, 1912.	Guelph, Allan's Bridge crossing.	C. P. R.		1
2351	Oct. 31, 1912.	Golden Lake, crossing one mile north.	G. T. R.	1	
2352	Aug. 7, 1912.	Mileage 58, crossing 7 poles north.	C. N. R.	1	
2364	Aug. 1, 1912.	Steelton, Korah Road crossing.	A. C. & H. B.		2
2378	Oct. 10, 1912.	Varney, Public Road immediately north.	G. T. R.		1
2380	Oct. 24, 1912.	Peterborough, Hunter St. crossing.	G. T. R.	1	
2381	Nov. 3, 1912.	Toronto, Royce Avenue crossing.	G. T. R.	1	
2389	Nov. 23, 1912.	Maidstone, crossing north.	W. E. & L. S.	1	
2404	Dec. 2, 1912.	St. Thomas, Park St. crossing.	M. C. R.		1
2405	Nov. 25, 1912.	Ayr, Northumberland crossing.	C. P. R.		1
2417	Aug. 23, 1912.	Fort William, Gore St. crossing.	C. N. R.	1	
2423	Dec. 3, 1912.	St. Bazile, crossing 2 miles west.	G. T. R.	1	
2426	Dec. 7, 1912.	Lachute, second public crossing west.	C. P. R.	1	
2427	Dec 8, 1912.	Berlin, Edward St. crossing.	G. T. R.		1
2428	Dec. 10, 1912.	Chatham, Park St. crossing.	G. T. R.	1	

STATEMENT No. 9.—Showing Highway Crossing Accidents attended by Personal Injury Investigated during Year ending March 31, 1913—*Concluded.*

File.	Date.	Place.	Railway.	Killed.	Injured.
Inv.					
2434	Nov. 8, 1912.....	St. Hilaire, first crossing west.....	G. T. R.....		1
2464	Dec. 17, 1912.....	Havelock, Concession St. crossing.....	C. P. R.....	1	
2485	Nov. 4, 1912.....	Herbert, first crossing east.....	C. P. R.....	1	
2494	Dec. 8, 1912.....	Grenfell, Anderson St. crossing.....	C. P. R.....	1	
2495	Dec. 20, 1912.....	Joliette, first crossing east.....	C. N. Q.....	1	
2496	Dec. 24, 1912.....	Montreal, Charlevoix St. crossing.....	G. T. R.....	1	
2497	Jan. 8, 1913.....	Weston, King St. crossing.....	C. P. R.....	1	
2498	Jan. 9, 1913.....	London, Ridout St. crossing.....	G. T. R.....		1
2513	Jan. 2, 1913.....	Winnipeg, Norwood St. crossing.....	Wpg. Ter.....		1
2541	Feb. 14, 1913.....	Cardinal, first crossing west.....	G. T. R.....	2	
2544	Jan. 31, 1913.....	Cascades, Gatineau Rd. crossing.....	C. P. R.....		2
2550	Jan. 19, 1913.....	Cluny, first crossing west.....	C. P. R.....	1	1
2567	Jan. 27, 1913.....	Coaticooke, Court St. crossing.....	G. T. R.....		2
2591	Jan. 12, 1913.....	Toronto, Dovercourt Road crossing.....	C. P. R.....	1	
2603	Feb. 17, 1913.....	Tillsonburg road crossing between lots 5 and 6.....	C. P. R.....		2
2616	Jan. 7, 1913.....	Prince Albert, First Avenue East crossing	C. N. R.....		1
2623	Jan. 25, 1913.....	Maple, crossing 1½ miles north.....	G. T. R.....	1	
2626	Feb. 22, 1913.....	Montreal, St. Remi St. crossing.....	G. T. R.....	1	
2631	Feb. 1, 1913.....	Simcoe, fourth crossing north.....	G. T. R.....		1
2637	Feb. 25, 1913.....	Crossfield, crossing 350 yards south.....	C. P. R.....	1	
2639	Feb. 7, 1913.....	Kingsville, crossing ¾ miles west.....	P. M. R.....		1
2581	Jan. 23, 1913.....	Peterboro, Stewart St. crossing.....	C. P. R.....		1
Total.....				50	66

STATEMENT No. 10.—Showing Various other Accidents attended by Personal Injury Investigated during Year ending March 31, 1913.

File.	Date.	Place.	Railway.	Remarks.	Killed.	Injured.
Inv.						
1886	Feb. 18, 1912	Belleville yard, Ont.	G. T. R.	Uncoupling cars.		1
1888	Jan. 18, 1912	Whitby Junction, Ont.	G. T. R.	Caught between two knuckles of cars.		1
1990	Jan. 18, 1912	Winnipeg, Union station.	C. N. R.	Getting on train when engine coupled.		1
1991	Feb. 29, 1912	Vermilion yard.	C. N. R.	Steam pipe on left injector broke off.		2
1992	Dec. 30, 1911	Transcona yard, Man.	G. T. P.	Caught between tender of engine and car.		1
1995	Mar. 26, 1912	L'Epiphanie, Quebec.	C. N. Q.	Fell between engine and tender.	1	
1996	Mar. 22, 1912	Larchwood, east switch.	C. P. R.	Struck by train.		1
1999	Feb. 24, 1912	Port McNicholl yard.	C. P. R.	Attempted to make coupling.		1
1997	Feb. 22, 1912	Merritton, Ont.	G. T. R.	Hand squeezed between couplers.		1
2001	Mar. 9, 1912	Windsor, south yard.	C. P. R.	Caught in rail and run over by engine.	1	
2004	Jan. 30, 1912	Soo, Ont.	C. P. R.	Caught between dead wood and drawbar.		1
2009	Jan. 25, 1912	Star City, 1½ miles west.	C. N. R.	Fell among tools lying on ground.		1
2010	Mar. 19, 1912	Howick Jet., Que.	G. T. R.	Foot caught between knuckles of couplers.		1
2011	Apr. 9, 1912	Rutherford, Ont.	C. P. R.	Arch tube pulled out of fire box.		2
2013	Apr. 8, 1912	Moosejaw, Sask.	C. N. R.	Foot caught under car wheel.		1
2014	Apr. 4, 1912	Dandrant Pt.	G. T. P.	Foot caught between draw bars.		1
2017	Apr. 14, 1912	Hamilton, Ont.	T., H. & B.	Crushed when coupling cars.		1
2023	Dec. 16, 1911	Turcot yard, east end.	G. T. R.	Struck by car standing foul of track.		1
2026	Apr. 16, 1912	Toronto, Ont.	G. T. R.	Run down in yard by train.	1	
2029	Mar. 23, 1912	1 Mile End station.	C. P. R.	Struck while crossing track at station.	1	

STATEMENT No. 10.—Showing Various other Accidents attended by Personal Injury Investigated during Year ending March 31, 1913—*Continued.*

File.	Date.	Place.	Railway.	Remarks.	Killed.	Injured.
Inv.						
2030	Apr. 15, 1912	Hoyt, N. B.	C. P. R.	Caught while coupling cars.		1
2031	Mar. 14, 1912	Rivers yard, Man.	G. T. P.	Coupling cars.		1
2034	Mar. 16, 1912	Rivers yard, Man.	G. T. P.	Caught between two cars.		1
2035	Apr. 9, 1912	Palmerston, Ont.	G. T. R.	Train struck stop block and party fell against seat in coach.		1
2036	Mar. 27, 1912	Niagara Falls, Ont.	M. C. R.	Squeezed between cars and platform.		1
2037	May 1, 1912	Ottawa yard.	C. P. R.	Squeezed between couplers.	1	
2040	Apr. 24, 1912	Georgetown, Ont.	G. T. R.	Car of stock took fire after colliding with caboose.	2	1
2041	Apr. 23, 1912	Windsor Mills, Que.	G. T. R.	Coupling cars and had foot caught in jar of drawbars.		1
2042	Mar. 4, 1912	Roulerscroft, Alta.	G. T. P.	Caught between draw-bar of engine and platform of caloose.		1
2043	May 10, 1912	West Toronto, machine shop.	C. P. R.	Removing pair of driving wheels from engine.	1	
2044	May 2, 1912	Windsor yard, Ont.	M. C. R.	Working between cars when others came down and struck cars party was working on.		1
2045	May 5, 1912	Palmerston, Ont.	G. T. R.	Evidently run down in yard by engine.	1	
2048	May 15, 1912	St. Thomas, Ont.	M. C. R.	Engine was coupling to cars and parties were knocked against side of car.		7
2050	Apr. 18, 1912	St. Joachim station.	Q. R., L. & P.	Coupling cars and fell between same.	1	
2051	May 23, 1912	Coteau June, 1 mile east.	G. T. R.	Jumped off moving train.		1
2052	June 5, 1912	Humberstone, 1/4 mile west.	G. T. R.	Crown sheet dropped off engine.		2
2053	May 29, 1912	Newmarket, Ont.	G. T. R.	Crossed in front of train and was struck.	1	
2055	June 5, 1912	Calclonia, Ont.	G. T. R.	Struck by buffer beam of engine.		1
2056	June 6, 1912	Kipling, Ont.	C. N. R.	Working in pump house.		1
2057	June 10, 1912	Mileage 6-4, N. B.	C. P. R.	Velocipede struck by train.		1

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2058	June	1, 1912	Toronto, Ont., switch 24.....	C. P. R.	Struck by train.....	1
2059	June	9, 1912	Piedmont, Que.....	C. P. R.	Jumped off moving train.....	1
2060	June	12, 1912	North Battleford, Sask.....	C. N. R.	Fell off flat car.....	1
2061	Apr.	1, 1912	Sandilands, Man.....	C. N. R.	Jumped off moving train.....	1
2063	June	3, 1912	Schriber, engine house track.....	C. P. R.	Fell in front of engine and was run over.....	1
2064	June	5, 1912	Glen Robertson.....	G. T. R.	Fell between moving cars.....	1
2065	Feb.	24, 1913	Winnipeg, Fort Rouge yard.....	C. N. R.	Fell off engine.....	1
2069	June	4, 1912	Nipissing Jet., Ont.....	G. T. R.	Jumped off moving train.....	1
2070	June	1, 1912	Gravel Pit.....	G. T. P.	Repairing car on repair track.....	1
2071	June	4, 1912	North Toronto yard.....	C. P. R.	Walking on track, struck by train.....	1
2073	May	27, 1912	Toronto, Ont.....	G. T. R.	Coupling cars and was caught.....	1
2075	June	7, 1912	York, Ont.....	G. T. R.	Coupling cars.....	1
2079	Feb.	12, 1913	Dalhousie Mills, Ont.....	C. P. R.	Coupling cars.....	1
2081	June	3, 1912	Kindersley, Sask.....	C. N. R.	Crushed between cars.....	1
2082	June	14, 1912	Point St. Charles.....	G. T. R.	Tube on engine burst.....	1
2083	June	13, 1912	Montreal, Turcot yard.....	G. T. R.	Fell between cars and was run over.....	1
2090	Apr.	16, 1912	Brockville, Ont.....	G. T. R.	Coupling cars.....	1
2091	June	17, 1912	Nepean, Ont.....	C. P. R.	Apparently fell off engine and was run over.....	1
2092	June	1, 1912	Lancaster, Ont.....	G. T. R.	Foot caught while opening knuckle.....	1
2093	June	16, 1912	Snake River, 1 mile west.....	C. P. R.	Apparently fell off train.....	1
2095	June	9, 1912	Toronto, Ont.....	G. T. R.	Found on track.....	1
2100	Mar.	21, 1912	Mileage 13, Duval's siding.....	Temis.	Coupling cars.....	1
2102	May	31, 1912	Winnipeg Yard, Man.....	C. P. R.	Opening knuckles of car.....	1
2103	June	1, 1912	Mileage 65.....	C. P. R.	Crushed between spreader and cars.....	1
2104	June	1, 1912	Jack Fish, Ont.....	C. P. R.	Arm caught in drawbars.....	1
2108	May	9, 1912	Nipigon, Ont.....	C. P. R.	Attempted to get off moving train.....	1

STATEMENT No. 10.—Showing Various other Accidents attended by Personal Injury Investigated during Year ending March 31, 1913—*Continued.*

File.	Date.	Place.	Railway.	Remarks.	Killed.	Injured.
Inv.						
2109	June 14, 1912	St. Marys Jct., Ont.	C. P. R.	Coupling cars.		1
2114	May 17, 1912	Winnipeg, main line.	C. N. R.	Coupling cars.		1
2113	May 10, 1912	McLean's siding.	C. N. R.	Uncoupling cars.		1
2117	July 3, 1912	Farnham Yard, shed track.	C. P. R.	Crossing tracks, struck by train.	1	
2118	June 25, 1912	Montreal, Que.	G. T. R.	Coupling cars.		1
2119	June 26, 1912	Montreal, Point St. Charles.	G. T. R.	Coupling air hose on car.		1
2120	July 1, 1912	Starkville, west of.	C. N. R.	Crossing tracks, struck by train.	1	
2121	June 25, 1912	Central Ontario Junction.	C. P. R.	Jumped off moving train.		1
2122	June 22, 1912	Calvin, Ont.	C. P. R.	Jumped off moving train.		1
2123	June 22, 1912	Pembroke, Ont.	C. P. R.	Coupling cars.		1
2128	May 8, 1912	Mileage 35½.	C. P. R.	Hand car struck by train.	1	
2129	June 7, 1912	Winnipeg, Fort Range Yard.	C. N. R.	Chaining up cars and was crushed.		1
2130	June 11, 1912	Richmond, Ont.	G. T. R.	Working in sand house.		1
2133	June 20, 1912	Rivers, Man.	G. T. P.	Fell off scaffold.		1
2135	July 6, 1912	Derbyshire.	C. P. R.	Coupling engine to cars.		1
2136	July 10, 1912	Brantford, Ont.	T., H. & B.	Cars were being coupled to others and party was knocked down.		1
2138	July 14, 1912	Mileage 102, Ont.	C. P. R.	Studs blew out of engine boiler.		1
2141	May 16, 1912	Mileage 5, near Bergen station.	C. P. R.	Unloading ties and was run over.		1
2142	July 11, 1912	Kindersley, Sask.	C. N. R.	Slipped over steam pipe in bunk room.		1
2143	July 8, 1912	Vonda, Sask.	C. N. R.	Fell from water spout.		1

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2144	July 11, 1912	Regina Yard, Sask.	C. N. R.	Fell off foot board of engine and was run over.	1
2145	June 12, 1912	Digby wharf.	D. A. R.	Coupling engine to cars.	1
2148	July 8, 1912	McAdam Coal Chutes, N.B.	C. P. R.	Had head out of cab window when it struck hoisting house.	1
2151	June 26, 1912	Cobourg, Ont.	G. T. R.	Jumped off moving train.	1
2152	June 21, 1912	Rivers, Man.	G. T. P.	Struck while hanging on side of car.	1
2154	July 1, 1912	Dauphin cinder pit.	C. N. R.	Scalded by water escaping from squirt hose.	1
2155	July 2, 1912	Dauphin shop.	C. N. R.	Uncoupling cars.	1
2156	June 27, 1912	Fort Erie yard, Ont.	G. T. R.	Engine struck car standing foul.	1
2157	July 7, 1912	Sarnia Tunnel.	G. T. R.	Coupling engine to cars.	1
2158	July 11, 1912	Niagara Falls, Ont.	G. T. R.	Struck head on post while hanging on side of car.	1
2159	June 27, 1912	Warton, Ont.	G. T. R.	Poling cars when pole broke.	1
2161	July 19, 1912	Mileage 20, Ont.	C. P. R.	Hand car struck by train.	1
2162	July, 21, 1912	Hamilton, Ont.	T. H. & B.	Run down in yard by train.	1
2163	July 16, 1912	Montrose, Ont.	M. C. R.	Uncoupling cars.	1
2164	July 15, 1912	Cayuga, 2 miles east.	Wabash.	Fell from engine.	1
2166	July 22, 1912	Hamilton, Ont.	T. H. & B.	Foot caught between tank and cab of engine.	1
2168	May 1, 1912	Wynyard Yard, Sask.	C. P. R.	Coupling cars.	1
2170	June 15, 1912	Delmas Pit, Sask.	C. N. R.	Coupling cars.	1
2173	July 20, 1912	Westmount Station, Que.	C. P. R.	Struck by engine.	1
2174	July 9, 1912	Longue Point shop.	C. N. Q.	Washout plug of engine blew out.	1
2175	July 9, 1912	Hochelaga yard.	C. P. R.	Fell from top of car.	1
2176	July 12, 1912	St. Lamberts, Que.	G. T. R.	Run down in yard by train.	1
2178	July 19, 1912	Buckingham Jct., Que.	C. P. R.	Coupling cars.	1
2179	June 12, 1912	Outremont Yards, Que.	C. P. R.	Fell from side of car.	1
2180	June 12, 1912	Dolson Junction.	C. P. R.	Fell from engine into culvert.	1
2181	July 18, 1912	Chicomees Siding, Que.	C. P. R.	Uncoupling cars.	1

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STATEMENT No. 10.—Showing Various other Accidents attended by Personal Injury Investigated during Year ending March 31, 1913—*Continued.*

File.	Date.	Place.	Railway.	Remarks.	Killed.	Injured.
Inv.						
2183	July 21, 1912	Farnham Yard, Que.	C. P. R.	Water glass burst on engine.		1
2184	July 19, 1912	Point St. Charles.	G. T. R.	Crushed between two cars.	1	
2186	June 30, 1912	Port Hope, Ont.	G. T. R.	Struck by drawbar of caboose.		1
2187	May 29, 1912	Midland, Ont.	G. T. R.	Coupling engine to cars.		
2188	June 27, 1912	Westfort, Empire avenue.	G. T. P.	Standing on top of car and was struck by telegraph wires.		1
2190	July 20, 1912	Regina, Sask.	G. T. P.	Struck by engine which backed out of coal dock.	1	
2191	July 4, 1912	Pilot Butte Pit, Sask.	C. P. R.	Found on track.	1	
2192	July 2, 1912	Montmartre, West M. P.	C. N. R.	Uncoupling cars.		1
2196	July 20, 1912	Port Perry, Ont.	G. T. R.	Coupling cars to engine.		1
2197	July 10, 1912	Collingwood, Ont.	G. T. R.	Coupling cars.		1
2198	July 15, 1912	Redditt Yard, Ont.	G. T. P.	Knocked down while making coupling.	1	
2200	July 27, 1912	Turcot Yard, Que.	G. T. R.	Crushed between turntable and wall of pit.	1	
2201	July 23, 1912	Three Rivers, Que.	C. P. R.	Struck by drum handle of semaphore.		1
2204	July 11, 1912	Winnifred, 1 mile east, Alta.	C. P. R.	Supposed to have fallen between cars.	1	
2205	Aug. 27, 1912	Waustead, Ont.	G. T. R.	Struck by switch while hanging on side of engine.		1
2209	Aug. 13, 1912	Hamilton, Ont.	T. H. & B.	Jumped from engine.		1
2210	Sept. 1, 1912	Hamilton, Ont.	T. H. & B.	Hanging on side of ladder came in contact with switch mast.		1
2211	July 22, 1912	Sellwood, Ont.	C. N. O.	Fell between cars.		1
2214	Aug. 28, 1912	Toronto, Ont.	G. T. R.	Caught between two cars.	1	
2218	Sept. 1, 1912	Turcot, Que.	G. T. R.	Fell from engine and was run over.	1	

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2219	Aug. 30, 1912	Point St. Charles, Que.	G. T. R.	Coupling cars.	1	1
2220	July 9, 1912	Golden Lake, Ont.	G. T. R.	Thrown from top of car.	1	1
2224	Sept. 11, 1912	Belleville, Ont.	G. T. R.	Caught while chaining up cars.	1	1
2225	Sept. 5, 1912	Six Mile Creek.	C. P. R.	Fell while getting out of moving car.	1	1
2227	July 13, 1912	Woodridge, Man.	C. N. R.	Caught while coupling cars.	1	1
2228	July 8, 1912	New Canaan.	P. M. R.	Putting in injector, squirt hose flew in face.	1	1
2229	Sept. 7, 1912	Mileage 3½, Chapleau Sub.	C. P. R.	Velocipede struck by train.	1	1
2230	May 17, 1912	Banning, Ont.	C. N. R.	Uncoupling cars.	1	1
2232	May 21, 1912	Duluth Jet.	C. N. R.	Fell under caboose.	1	1
2235	Aug. 28, 1912	Harrisburg, Ont.	G. T. R.	Fell between cars.	1	1
2238	July 8, 1912	London, Ont.	P. M. R.	Coupling cars.	1	1
2239	July 11, 1912	Port Stanley, Ont.	P. M. R.	Coupling cars.	1	1
2240	Sept. 13, 1912	Jarvis, Ont.	G. T. R.	Fell between moving cars.	1	1
2241	Sept. 14, 1912	Strathroy, Ont.	G. T. R.	Found under cars with both legs off.	1	1
2242	Sept. 8, 1912	Turcot, Que.	G. T. R.	Caught while in between cars.	1	1
2243	Sept. 2, 1912	Red Deer, Alta.	C. P. R.	Jumped off moving train.	1	1
2244	July 17, 1912	St. Boniface, Man.	C. N. R.	Working on cars which were struck.	2	1
2245	Sept. 2, 1912	Hamilton, Ont., Kinneir Yd	T. H. & B.	Scalded by steam from valve on injector.	1	1
2246	Aug. 14, 1912	Sarnia Tunnel, Ont.	G. T. R.	Coupling cars.	1	1
2248	Sept. 13, 1912	Grimsby, Ont.	G. T. R.	Fell while getting on side of car.	1	1
2250	Sept. 18, 1912	New Westminster, B.C.	G. N. R.	Struck by switch stand while hanging on side of car.	1	1
2251	Sept. 21, 1912	Eureka, East Mile Board.	C. P. R.	Train struck hand car.	1	1
2252	Sept. 20, 1912	Guelph Jet., Ont.	G. T. R.	Fell off top of car.	1	1
2257	Sept. 9, 1912	Biggar, Sask.	G. T. P.	Run down in yard by engine.	1	1
2258	Sept. 30, 1912	Victoriaville, Que.	G. T. R.	Caught by water stand and fell off engine.	1	1
2263	Sept. 17, 1912	Ottawa, Sparks St. station.	C. P. R.	Jumped off moving train.	1	1

STATEMENT No. 10.—Showing Various other Accidents attended by Personal Injury Investigated during Year ending March 31, 1913—*Continued.*

File.	Date.	Place.	Railway.	Remarks.	Killed.	Injured.
Inv.						
2264	Sept. 8, 1912	Adirondack Jet.	C. P. R.	Struck while walking on track.	1	.....
2265	Sept. 15, 1912	Field, B.C.	C. P. R.	Fell under engine.	1	.....
2266	Sept. 9, 1912	Hector, B.C.	C. P. R.	Attempted to board moving train.	1	.....
2268	Sept. 28, 1912	Humboldt Yard, Sask.	C. N. R.	Caught between engine and water car.	1	.....
2269	Sept. 3, 1912	St. Stephen, N.B.	C. P. R.	Fell while getting off engine.	1	.....
2270	Sept. 13, 1912	Saskatoon, Sask.	C. P. R.	Coupling cars.	1	.....
2272	Oct. 4, 1912	Hamilton, Ont.	T. H. & B.	Riding car when head came in contact with end of tunnel.	1	.....
2275	Sept. 30, 1912	Kamsack rip track, Sask.	C. N. R.	Repairing cars on repair track.	1	.....
2274	Sept. 3, 1912	North Bay Passenger Yard, Ont.	C. P. R.	Run down in yard by train.	1	.....
2275	Sept. 30, 1912	Wainwright Yard, Alta.	C. T. P.	Foot caught while getting off car.	1	.....
2276	Oct. 14, 1912	Marieville, Que., ½ miles south	C. V. R.	Evidently run over by train.	1	.....
2277	Aug. 26, 1912	Vassar, M.P. 364 Man	C. N. R.	Air hose burst.	1	.....
2278	Sept. 14, 1912	Winnipeg, Fort Rouge yard	C. N. R.	Crushed between cars.	1	.....
2279	Oct. 14, 1912	Hamilton, Aberdeen yard.	T. H. & B.	Hanging on side of car struck sand house.	1	.....
2280	Oct. 16, 1912	Golden Lakes, Ont.	C. T. R.	Uncoupling cars.	1	.....
2282	Sept. 6, 1912	Collingwood, Ont.	C. T. R.	Fell from top of car.	1	.....
2283	Oct. 6, 1912	Winnipeg B. Yard	C. N. R.	Reverse lever of engine flew off.	1	.....
2284	July 1, 1912	Winnipeg Roundhouse, Man.	C. N. R.	Steam blew off injector steam pipe.	1	.....
2289	July 29, 1912	Winnipeg, Fort Rouge yard	C. N. R.	Repairing cars.	1	.....
2290	Oct. 25, 1912	St. Regis.	C. T. R.	Train stopped suddenly and party fell against side of car.	1

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2291	Oct. 20, 1912	Lancaster, Ont.	G. T. R.	Looking out cab window and head struck side of bridge.	1
2295	Sept. 14, 1912	Winnipeg, Man.	Wpg. Ter.	Attempted to get on moving engine.	1
2296	Sept. 24, 1912	Clover Bar Station, Alta.	G. T. P.	Fell between cars.	1
2297	Sept. 27, 1912	Allandale, Ont.	G. T. R.	Caught while chaining up cars.	2
2298	Sept. 7, 1912	Owen Sound, Ont.	G. T. R.	Fell across rail.	1
2299	Oct. 19, 1912	Hamilton, Ont.	T. H. & B.	Knocked from top of car.	1
2301	Sept. 29, 1912	Windsor Yard, Ont.	M. C. R.	Caught while in between cars.	1
2302	Sept. 24, 1912	Parkdale, Ont.	C. P. R.	Missed footing and fell under cars.	1
2303	Sept. 17, 1912	Forest, Ont.	G. T. R.	Caught while in between cars.	1
2305	Sept. 9, 1912	Vermilion, Alta.	C. N. R.	Injured while cleaning engine.	1
2306	Oct. 21, 1912	Edson Yard, Alta.	G. T. P.	Coupling cars.	1
2307	Sept. 4, 1912	Merlin, Ont.	P. M. R.	Thrown against car.	1
2308	Nov. 2, 1912	Othman.	G. T. P.	Had head out window and came in contact with gate at stock yards.	1
2309	Oct. 28, 1912	Belleville, Ont.	G. T. R.	Had head out of cab window and struck corner of car standing foul.	1
2318	Dec. 10, 1912	Point St. Charles.	G. T. R.	Fell from top of moving cars.	1
2310	Oct. 8, 1912	Montreal, Que.	G. T. R.	Foot caught in frog.	1
2311	Oct. 11, 1912	Kindersley, Sask.	C. N. R.	Thrown off top of car.	1
2313	Sept. 21, 1912	Paddington, Man.	C. N. R.	Foot caught in apron of engine.	1
2316	Sept. 9, 1912	Hatfield, Sask.	C. P. R.	Stopped in front of train.	1
2318	Oct. 29, 1912	Huntingdon, Que.	St. L. & A.	Thrown against steps of caboose.	1
2319	Oct. 23, 1912	Flamboro Station.	C. P. R.	Jumping off train in motion.	1
2320	Oct. 14, 1912	Branchton, Ont.	G. T. R.	Fell off car.	1
2325	Sept. 16, 1912	Rugby Jet, Man.	C. P. R.	Fell from car and was run over.	1
2329	Sept. 25, 1912	Hamilton, Aberdeen yard.	T. H. & B.	Foot caught in switch.	1
2330	Sept. 13, 1912	Hamilton, Ont.	T. H. & B.	Fell from engine.	1
2331	Sept. 5, 1912	West Toronto, Ont.	C. P. R.	Crushed between tender and car.	1

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STATISTICS No. 10. Showing Various other Accidents attended by Personal Injury Investigated during Year ending March 31, 1913—Continued.

Date.	Place.	Railway.	Remarks.	Killed.	Injured.
Inv.					
2333 Sept. 27, 1912	Hamilton, Ont.	T. H. B.	Getting off engine injured leg.		1
2334 Oct. 9, 1912	Oakburn, Man.	C. N. R.	Coupling cars.		1
2335 Oct. 24, 1912	West Toronto, Ont.	C. P. R.	Knocked down by cars.		1
2336 Aug. 24, 1911	Unionville, Ont.	G. T. R.	Fell off engine.		1
2337 Oct. 17, 1912	Hamilton, Ont.	G. T. R.	Fell from top of car and was run over.	1	
2339 Oct. 11, 1912	Winnipeg Yard, Man.	C. P. R.	Stepped in between cars and was crushed.	1	
2341 Oct. 27, 1912	Barrows Jet., Man.	C. N. R.	Drawbar broke between engine and tender.		1
2342 Sept. 7, 1912	Brandon roundhouse.	C. N. R.	Washout plug blew out of engine.		1
2343 Oct. 22, 1912	Brandon, Man.	C. N. R.	Slipped off side ladder of car.		1
2344 Oct. 12, 1912	Sifton Station, Man.	C. N. R.	Slipped while getting on train.		1
2345 Nov. 21, 1912	Chapleau Yard, Ont.	C. P. R.	Fell while getting off engine.		
2346 Nov. 12, 1912	Regina, Sask.	C. P. R.	Found beside track in yard.	1	
2347 Nov. 17, 1912	Lakeside, Que.	C. P. R.	Run down in yard by train.	1	
2348 Nov. 18, 1912	Perth Yard, Ont.	C. P. R.	Attempted to board moving train.		1
2349 Nov. 22, 1912	North Bay Shops.	C. P. R.	Slipped while getting off engine.		1
2350 Nov. 20, 1912	Vaudreuil, Que.	C. P. R.	Body found on track.	1	
2353 Nov. 10, 1912	Westfort, Ont.	G. T. P.	Coupling cars.		1
2354 Nov. 16, 1912	Portage la Prairie, Man.	G. T. P.	Body found on track.	1	
2355 Nov. 13, 1912	Harvey, N.B.	C. P. R.	Riding on side of car struck cars on spur track.		1
2356 Oct. 17, 1912	Toronto, Ont.	G. T. R.	Repairing cars.	1	

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2358	Oct. 27, 1912	St. Sauveur, Que.	C. P. R.	Fell while hanging on side of car.	1
2359	Oct. 26, 1912	Iberville, Jct., Que.	C. P. R.	Attempted to board moving train.	1
2360	Oct. 13, 1912	Louise Embankment, Que.	C. P. R.	Uncoupling cars.	1
2361	Oct. 29, 1912	Hainsville, N.B.	C. P. R.	Caught between apron and end of cab.	1
2363	Oct. 2, 1912	Souris, Man.	C. P. R.	Caught between girder and front buffer beam of engine.	1
2365	Oct. 14, 1912	Pogna passing track, Ont.	C. P. R.	Engine struck steel cars on which men were working on passing track.	1
2367	Nov. 19, 1912	Farnham, Que.	C. V. R.	Coupling cars.	1
2373	Oct. 24, 1912	Stone Creek, one mile east.	T. H. & B.	Knocked down by moving cars.	1
2370	Nov. 25, 1912	Nokomis, Sask.	G. T. P.	Tripped over semaphore wires.	1
2372	Oct. 14, 1912	Brockville, Ont.	G. T. R.	Foot caught between engine and tender.	1
2374	Nov. 10, 1912	Saskatoon Yard, Sask.	C. N. R.	Joint to steam pipe to injector broke.	1
2475	Oct. 8, 1912	Saskatoon, Sask.	C. N. R.	Repairing steam hose when it burst.	1
2376	June 9, 1912	Dauphin Yard, Man.	C. N. R.	Water gauge blew out.	1
2383	Oct. 9, 1912	Lindsay, Ont.	G. T. R.	Caught between couplers.	1
2383	Sept. 3, 1912	Rainy River, Ont.	C. N. R.	Uncoupling cars.	1
2385	Nov. 3, 1912	Malville Yard.	G. T. P.	Steps of coach overlapped running-board of engine.	1
2386	Oct. 7, 1912	Saskatoon Yard, Sask.	C. N. R.	Headlight on engine exploded.	1
2387	Oct. 28, 1912	St. Thomas, Ont.	Wabash.	Run down in yard by engine.	1
2393	Oct. 29, 1912	Strathcona, Sask.	C. P. R.	Walked in between cars and was crushed.	1
2395	Nov. 7, 1912	Mine Centre, Ont.	C. N. R.	Squirt hose on engine blew out of hand.	1
2396	Oct. 14, 1912	M. P., 149, Ont.	C. N. R.	Caught between lever and injector of engine.	1
2397	Oct. 11, 1912	Pinewood, Ont.	C. N. R.	Detective lubricator on engine.	1
2398	Nov. 21, 1912	Cayuga, Ont.	G. T. R.	Uncoupling cars.	1
2400	Dec. 7, 1912	Stettler Yard, Alta.	C. N. R.	Uncoupling cars.	1
2403	Oct. 12, 1912	Winnipeg East Yard, Man.	W. J. T.	Crushed between car and platform.	1
2406	Nov. 29, 1912	North Parkdale, Ont.	C. P. R.	Attempted to board moving train.	1

STATEMENT No. 10.—Showing Various other Accidents attended by Personal Injury Investigated during Year ending March 31, 1913.—Continued.

File.	Date.	Place.	Railway.	Remarks.	Killed.	Injured.
Inv.						
2407	Oct. 4, 1912	Montrose, Yard.	M. C. R.	Knocked down by moving cars.		1
2409	Nov. 23, 1912	Niagara Falls, Ont.	G. T. R.	Struck by car standing foul.		1
2411	Nov. 6, 1912	Fort Erie, Ont.	G. T. R.	Coupling cars.		1
2412	Oct. 28, 1912	Kindersley, Sask.	C. N. R.	Foot caught in turntable.		1
2413	Nov. 12, 1912	Saskatoon Yard, Sask.	C. N. R.	Caught while crawling between cars.	1	
2415	Sept. 29, 1912	Imperial Pit, Sask.	C. P. R.	Fell under wheels of car.	1	
2416	Oct. 25, 1912	Biggar Yard, Sask.	G. T. P.	Coupling cars.		1
2420	Nov. 14, 1912	Winnipeg, Man.	W. J. T.	Supposed to have fallen under car.	1	
2424	Nov. 21, 1912	St. Lambert, Que.	G. T. R.	Uncoupling cars.	1	
2429	Dec. 2, 1912	Nipigon, Ont.	C. P. R.	Coupling cars.		1
2430	Dec. 8, 1912	Toronto, Simcoe Yard, Ont.	C. P. R.	Foot caught in frog and was run over.	1	
2431	Dec. 11, 1912	Meadowsite, Ont.	C. P. R.	Caught between cars.		1
2432	Dec. 9, 1912	Starkville, Ont.	C. N. O.	Fell from moving train.	1	
2433	Dec. 9, 1912	Carlyle Yard, Sask.	C. N. R.	Fell from top of car.		1
2435	Dec. 3, 1912	Colwell, Ont.	G. T. R.	Run down by engine.		1
2437	Dec. 27, 1912	Parkdale, Ont.	G. T. R.	Fell from running board of engine.	1	
2438	Dec. 1, 1912	Winnipeg, Fort Rouge yard, C. N. R.	C. N. R.	Run down in yard by engine.		1
2440	Dec. 19, 1912	Montreal, Place Viger-station	C. P. R.	Run down in yard by train.		1
2443	Nov. 21, 1913	Winnipeg, Man., B-3 yard	C. N. R.	Inspecting cars and was run over.	1	
2444	Nov. 8, 1912	Moose Jaw, Sask.	G. T. P.	Fell between cars.	1	

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2445	Dec. 2, 1912	Guelph Jct., Ont.	C. P. R.	Struck by moving car.	1
2446	Dec. 13, 1912	Harrisburg, Ont.	G. T. R.	Fell from top of car.	1
2447	May 5, 1912	Beauharnois, Que.	St. L. and A.	Walking on platform too close to track and was struck.	1
2451	Dec. 5, 1912	Outremont, Que.	C. P. R.	Coupling cars.	1
2452	Jan. 3, 1913	Moose Jaw, Sask.	C. P. R.	Run down in yard by engine.	1
2453	Jan. 1, 1913	Hamilton, Ont.	G. T. R.	Run down in yard by engine.	1
2454	Jan. 5, 1913	Iberville Jct., Que.	Q. M. and S.	Uncoupling cars.	1
2455	Dec. 31, 1912	Bellamy Station, Ont.	C. P. R.	Jumped off moving train.	1
2457	Jan. 2, 1913	Lennoxville, Que.	G. T. R.	Head struck span of iron bridge.	1
2458	Dec. 24, 1912	Hamilton, Ont.	T. H. & B.	Hanging on side of car and foot caught in wire fence.	1
2459	Jan. 8, 1913	Garneau Jct., Que.	C. N. Q.	Uncoupling cars.	1
2465	Nov. 27, 1912	New Sarum, Ont.	Wabash.	Coupling cars.	1
2470	Dec. 2, 1912	Atikokan roundhouse, Ont.	C. N. R.	Hand caught between door and engine.	1
2471	Oct. 6, 1912	Redditt Yard, Ont.	G. T. P.	Fell from top of car.	1
2472	Dec. 18, 1912	Mandaumin, Ont.	G. T. R.	Fell off train.	1
2473	Dec. 3, 1912	Riviere-a-pierre Jct., Que.	C. N. Q.	Thrown from top of box car.	1
2477	Jan. 8, 1913	Toronto, Ont.	G. T. R.	Head caught by pile of lumber.	1
2478	Oct. 20, 1912	Kamloops Yard.	C. P. R.	Run down in yard by train.	1
2480	Jan. 10, 1913	Grenfell, Sask.	C. P. R.	Fell off loading platform.	1
2482	Jan. 8, 1913	McGreary Jct., Man.	C. N. R.	Thrown against corner of desk.	1
2483	Jan. 5, 1913	Georgetown, Ont.	G. T. R.	Remains found on track.	1
2484	Dec. 6, 1912	Paddington, Man.	C. N. R.	Injector blew out of squirt hose.	1
2487	Jan. 8, 1913	Montrose Yard.	M. C. R.	Run down in yard by engine.	1
2488	Dec. 27, 1912	Hamilton, Ont.	G. T. R.	Coupling cars.	1
2491	Jan. 3, 1913	Glen William, Ont.	G. T. R.	Knocked off platform of caboose.	1
2492	Nov. 10, 1912	Kenora, Ont.	C. P. R.	Fell off moving train.	1

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STATEMENT No. 10.—Showing Various other Accidents attended by Personal Injury Investigated during Year ending March 31, 1913.—Continued.

File.	Date.	Place.	Railway.	Remarks.	Killed.	Injured.
Inv.						
2403	Dec. 24, 1912	Kenora, Ont.	C. P. R.	Run over by train.	1	
2409	Jan. 14, 1913	Savona, B. C.	C. P. R.	Fell from moving train.	1	
2500	Dec. 15, 1912	Sheenans, Ont.	C. N. R.	Struck in face by gate of coach.		1
2502	Nov. 2, 1912	Scotia Jct., Ont.	G. T. R.	Fell in front of moving van.		1
2503	Nov. 23, 1912	Dunmore, Alta.	C. P. R.	Run down in yard by moving car.	1	
2505	Dec. 22, 1912	Alyth, Alta.	C. P. R.	Cars moved while being unloaded.	1	
2506	Jan. 9, 1913	Ottawa, Ont.	G. T. R.	Uncoupling cars.		1
2509	Dec. 20, 1912	North Bay, Ont., East End.	C. P. R.	Attempted to board moving train.	1	
2510	Dec. 21, 1912	Midland, Ont.	G. T. R.	Coupling cars.	1	
2515	Jan. 18, 1913	M. P. H.	C. P. R.	Fell from moving train.	1	
2517	Dec. 23, 1912	Burdett, Alta.	C. P. R.	Found on track.	1	
2518	Jan. 14, 1913	Cookstown, Ont.	G. T. R.	Coupling cars.		1
2519	Jan. 4, 1913	Melville Yard, Sask.	G. T. P.	Run down in yard by engine.	1	
2520	Jan. 2, 1913	Hamilton, Ont.	G. T. R.	Caught while going between cars.	1	
2523	Jan. 29, 1913	Nipigon, 1 mile west.	C. P. R.	Train struck hand car.		1
2524	Jan. 7, 1913	Rivers, Man.	G. T. P.	Cab of engine struck coal chute.		1
2527	Jan. 20, 1913	Bangor, Sask.	G. T. P.	Head caught between end sill of diner and vestibule.		1
2528	Jan. 4, 1913	Winnipeg, Man.	C. P. R.	Coupling cars.	1	
2529	Dec. 26, 1912	Winnipeg, Park Siding, Man.	W. J. T.	Thrown against knuckles of car.		1
2531	Jan. 25, 1913	Rosedale, Toronto, Ont.	C. N. O.	Coupling cars.		1

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2532	Jan. 24, 1913	Toronto, Ont.	C. P. R.	Run down in yard by engine.	1
2533	Feb. 1, 1913	Hamilton, Aberdeen yard.	T. H. & B.	Struck in face by lever of semaphore.	1
2534	Feb. 2, 1913	Hamilton, Aberdeen yard.	T. H. & B.	Struck in face by lever of semaphore.	1
2536	Jan. 3, 1913	Portage Yard, Man.	C. N. R.	Repairing cars.	1
2537	Jan. 7, 1913	Cranbrook, B.C.	C. P. R.	Run down in yard by engine.	1
2540	Jan. 7, 1913	Midland, Ont.	G. T. R.	Fell from top of box car.	1
2542	Feb. 2, 1913	Mimico, Ont.	G. T. R.	Fell from top of car.	1
2543	Feb. 12, 1913	Welland, Ont.	M. C. R.	Slipped while getting off car.	1
2545	Jan. 13, 1913	Vancouver, B.C.	C. P. R.	Run down in yard by engine.	1
2547	Nov. 6, 1912	Rainy River, Ont.	C. N. R.	Knocked off side of car.	1
2548	Jan. 26, 1912	Oak Lake, Man.	C. P. R.	Attempted to board moving train.	1
2551	Jan. 29, 1913	Portage La Prairie, Man.	C. P. R.	Crushed between cars.	1
2552	Jan. 27, 1913	Lethbridge, Alta.	C. P. R.	Fell from top of car.	1
2554	Jan. 21, 1913	Alyth, Alta.	C. P. R.	Run over by caboose.	1
2556	Jan. 2, 1913	Hamilton, Ont.	G. T. R.	Coupling cars.	2
2557	Jan. 31, 1913	Fort Erie, Ont.	G. T. R.	Coupling cars.	1
2558	Feb. 6, 1913	Wallaceburg, Ont.	P. M. R.	Riding on side of car struck by wheel-barrow.	1
2559	Feb. 14, 1913	Ortonville, Ont.	C. P. R.	Fell while climbing up side of car.	1
2560	Dec. 29, 1913	London, Ont.	C. P. R.	Fell while getting off van.	1
2561	Jan. 14, 1913	Sarnia Tunnel, Ont.	G. T. R.	Hand caught between door and engine.	1
2563	Dec. 30, 1913	Tilsonburg, Ont.	Wabash.	Shaker bar of engine slipped off.	1
2569	Jan. 24, 1913	Turcot, Que.	G. T. R.	Foot caught while in between cars.	1
2571	Jan. 21, 1913	Point St. Charles, Que.	G. T. R.	Fell from moving car.	1
2572	Feb. 5, 1913	St. Boniface, Man.	C. N. R.	Fire blew in face.	1
2573	Jan. 31, 1913	Rainy River, Ont.	C. N. R.	Run down in yard by engine.	1
2574	Jan. 22, 1913	Rainy River, Ont.	C. N. R.	Slipped off water tank.	1

STATEMENT No. 10. Showing Various other Accidents attended by Personal Injury Investigated during Year ending March 31, 1913—*Concluded*.

File.	Date.	Place.	Railway.	Remarks.	Killed.	Injured.
Inv.						
2575	Feb 7, 1913	Winnipeg, Fort Rouge Yard.	C. N. R.	Fell while hanging on side of car.		1
2576	Feb. 8, 1913	Meadows, Man. 4 miles west	C. P. R.	Jumped from engine and was run over.	1	
2577	Feb. 7, 1913	Paris Jet. Ont.	G. T. R.	Run down in yard by engine.		1
2578	Feb. 1, 1913	Mileage 31-7.	C. P. R.	Run over by train.		1
2580	Feb. 14, 1913	Leamington, Ont.	P. M. R.	Fell from top of car.	1	
2582	Feb. 14, 1913	Hamilton, Ont.	G. T. R.	Crushed between gang plank and car.	1	
2583	Feb. 1, 1913	Windsor Yard, Ont.	M. C. R.	Crushed between cars.	1	
2584	Feb. 1, 1913	Mimico, Ont.	G. T. R.	Coupling cars.	1	
2585	Feb. 17, 1913	Merrittton Yard, Ont.	G. T. R.	Crushed by rolling rails.		1
2587	Jan. 29, 1913	Windsor Tunnel, $\frac{1}{2}$ mile east.	M. C. R.	Cars ran into others on switch.		3
2588	Jan. 30, 1913	Windsor, Ont.	M. C. R.	Caught in track and was struck by moving cars.	1	
2592	Feb. 15, 1913	Welland, Ont.	M. C. R.	Fell while cars were being switched.		1
2596	Feb. 13, 1913	Longue Point, Que.	C. N. Q.	Struck by brake rod.		1
2597	Feb. 8, 1913	Windsor Yard, Ont.	G. T. R.	Caught between building & Car.	1	
2598	Jan. 16, 1913	Hagersville, Ont.	M. C. R.	Thrown against side of car.		1
2599	Jan. 16, 1913	Regina, Sask.	C. N. R.	Fell from side ladder to ground.		1
2600	Feb. 20, 1913	Winnipeg, Man.	C. P. R.	Presumably fell under engine.	1	
2601	Jan. 16, 1913	Cessee, Sask.	C. N. R.	Fell off water car.		1
2602	Feb. 1, 1913	Packington, Man.	C. N. R.	Coupling cars.		1
2605	Dec 12, 1913	Mission Yard, Ont.	G. T. P.	Struck by car standing foul.		1

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2606	Feb. 13, 1913	Castleford, Ont.	C. P. R.	Fell off tender of engine.	1
2609	Feb. 25, 1913	Warman	C. N. R.	Fell off running board of engine.	1
2610	Feb. 26, 1913	St. Paulin, Que.	C. N. Q.	Deck light in coach fell on head.	1
2611	Mar. 3, 1913	Hamilton, Ont.	T. H. & B.	(Getting off engine fell over semaphore wire.	1
2612	Mar. 6, 1913	White River, Ont.	C. P. R.	Run down by yard engine.	1
2613	Jan. 19, 1913	Thousand Island Jct., Ont.	G. T. R.	Fell off moving train.	1
2614	Feb. 10, 1913	Wyoming, Ont.	G. T. R.	Coupling cars.	1
2615	Feb. 6, 1913	Tilbury, Ont.	M. C. R.	Coupling cars.	1
2618	Feb. 24, 1913	Bankhead, Alta.	C. P. R.	Fell off moving train.	1
2619	Feb. 21, 1913	Nixon, Ont.	Wabash	Fell off water tank.	1
2621	Feb. 27, 1913	Stratford, Ont.	G. T. R.	Repairing cars on repair tracks.	1
2622	Feb. 22, 1913	Toronto, Ont.	G. T. R.	Foot caught in frog.	1
2627	Feb. 11, 1913	Chaudiere, Jct., Que.	G. T. R.	Walking on track struck by train.	1
2628	Feb. 3, 1913	Montreal, Moreau St. Yd.	C. N. Q.	Coupling engine to cars.	1
2629	Feb. 18, 1913	St. John, N.B.	C. P. R.	Squeezed between car & door of elevator.	1
2632	Jan. 13, 1913	Vancouver, B.C.	C. P. R.	Run down in yard by engine.	2
2633	Mar. 14, 1913	Prince Albert.	C. N. R.	Ties rolled off car.	1
		Total			135 271

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STATEMENT No. 11.—Recapitulation of Accidents Investigated.

	Number of investiga- tions.	Killed.	Injured.
Statement showing collisions attended by personal injury investigated during year ending March 31, 1913.....	87	55	243
Statement showing derailments attended by personal injury investigated during year ending March 31, 1913.....	65	37	285
Statement showing highway crossing accidents attended by personal injury investigated during year ending March 31, 1913.....	90	50	66
Statement showing various other accidents attended by personal injury investigated during year ending March 31, 1913.....	379	135	271
Total.....	621	277	865

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STATEMENT No. 12.—Showing Cars Inspected for Year ending March 31, 1913, together with defects noted.

Name of Railway.	Home cars inspected.	Home cars defective.	Per cent defective.	Foreign cars inspected.	Foreign cars defective.	Per cent defective.	Total cars inspected.	Total cars defective.	Per cent defective.	Couplers and parts home.	Per cent defective.
Canadian Pacific.....	39,634	3,323	8.38	27,471	2,576	9.38	67,105	5,899	8.79	126	3.59
Grand Trunk.....	19,671	1,528	7.77	23,835	2,709	11.37	43,506	4,237	9.74	64	3.79
Canadian Northern, Quebec.....	3,992	414	10.37	1,973	181	9.17	5,965	595	9.97	8	1.82
Canadian Northern.....	8,271	767	9.26	3,579	353	9.86	11,850	1,120	9.45	34	4.20
Grand Trunk Pacific.....	3,249	275	8.46	826	65	7.86	4,075	320	8.34	20	7.11
Pere Marquette.....	612	259	42.32	485	187	38.55	1,097	446	40.65	15	5.05
Michigan Central.....	157	14	8.91	245	80	32.65	402	94	23.38	*	.....
Dominion Atlantic.....	86	18	20.93	57	14	24.56	143	32	22.37	.....	.....
Central Vermont.....	115	13	11.30	143	19	13.28	258	32	12.40	.....	.....
Toronto, Hamilton and Buffalo.....	12	2	16.66	500	118	21.60	512	120	23.43	.....	.....
Quebec, Montreal & S.....	68	5	7.35	388	60	15.46	456	65	14.25	.....	.....
Boston and Maine.....	130	4	3.07	379	32	8.44	509	36	7.07	.....	.....
St. Lawrence and Adir.....	55	5	9.09	113	11	9.73	168	16	9.52	.....	.....
Canadian Northern, Ontario.....	177	20	11.29	153	26	82.35	330	46	13.93	2	9.09
Great Northern.....	305	12	3.93	270	14	5.18	575	26	4.52	1	8.33
Ottawa and New York.....	1	1	100.00	102	5	4.90	103	6	5.82	.....	.....
Total.....	76,535	6,660	8.79	60,519	6,450	10.65	137,054	13,110	9.56	270	3.79

STATEMENT No. 12. Showing Cars Inspected for Year ending March, 31, 1913, together with defects noted *Continued.*

Name of Railway.	Couplers and parts		Per cent defective.	Couplers and parts		Per cent defective.	Uncoupling mechanism Home.	Per cent defective.	Uncoupling mechanism Foreign.	Per cent defective.	Uncoupling mechanism Total.	Per cent defective.	Air brake Home.
	Foreign.	Total.		Foreign.	Total.								
Canadian Pacific	87	213	3.05				586	16.71	600	21.05	1,186	18.66	1995
Grand Trunk	97	161	3.24				347	20.58	591	19.77	938	20.04	877
Canadian Northern, Quebec	3	11	1.63				91	20.77	30	16.39	121	19.48	243
Canadian Northern	14	48	3.73				132	16.31	77	20.80	209	17.66	436
Grand Trunk Pacific	1	24	6.06				42	14.94	28	42.13	70	20.17	157
Perc Marquette	7	22	3.70				17	5.72	12	6.34	29	5.96	229
Michigan Central							2	14.28	2	2.50	4	4.25	10
Delmon Atlantic							6	30.00	7	50.00	13	38.23	12
Central Vermont	1	1	4.34				4	26.66	6	26.08	10	26.31	11
Toronto, Hamilton and Buffalo	4	4	3.36				1	50.00	7	5.88	8	6.61	1
Quebec, Montreal and S.	1	1	1.58				1	20.00	8	12.69	9	13.52	3
Boston and Maine							2	50.00	12	35.26	14	36.84	2
St. Lawrence and Adir.													5
Canadian Northern, Ontario	2	4	3.70				6	27.27	9	16.66	15	19.73	6
Great Northern	3	4	18.75				1	8.33	5	31.25	6	21.42	7
Ottawa and New York													1
Total	223	493	3.15				1,238	17.39	1,394	19.71	2,632	18.55	3,995

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STATEMENT No. 12. Showing Cars Inspected for Year ending March 31, 1913, together with defects noted—Continued.

Name of Railway.	Per cent defective.	Air brake Foreign.	Per cent defective.	Air brake Total.	Per cent defective.	Hand holds Home.	Per cent defective.	Hand holds Foreign.	Per cent defective.	Hand holds Total.
Canadian Pacific.....	56.89	1,604	56.28	3,599	55.06	150	4.02	97	3.40	247
Grand Trunk.....	52.01	1,611	53.91	2,488	53.23	101	5.99	128	4.28	229
Canadian Northern, Quebec.....	55.47	120	65.57	363	58.45	14	3.21	6	3.27	20
Canadian Northern.....	53.96	218	58.13	654	55.28	15	1.85	9	2.40	24
Grand Trunk Pacific.....	55.87	22	33.33	179	51.58	9	3.20	2	3.03	11
Père Marquette.....	77.10	132	69.84	361	74.27	9	3.03	4	2.11	13
Michigan Central.....	71.42	65	81.25	75	79.78			3	3.75	3
Dominion Atlantic.....	60.00	7	50.00	19	55.88					
Central Vermont.....	73.33	10	43.47	21	55.26					
Toronto, Hamilton and Buffalo.....	50.00	78	65.54	79	65.28			5	4.20	5
Quebec, Montreal and St. Lawrence.....	60.00	42	66.66	45	66.17					
Boston and Maine.....	50.00	16	47.05	18	47.36					
St. Lawrence and Adir.....	100.00	4	44.44	9	64.28					
Canadian Northern, Ontario.....	27.27	15	27.77	21	27.63	3	13.63	5	9.25	8
Great Northern.....	58.33	5	31.25	12	42.85					
Ottawa and New York.....	100.00	2	33.33	3	42.85					
Total.....	56.13	3,951	55.89	7,946	56.01	301	4.22	259	3.06	560

STATEMENT No. 12.—Showing Cars Inspected for Year ending March 31, 1913, together with defects noted—Continued.

Name of Railway.	Per cent defective.	Ladders Home.	Per cent defective.	Ladders Foreign.	Per cent defective.	Ladders Total.	Per cent defective.	Sill steps Home.	Per cent defective.	Sill steps Foreign.
Canadian Pacific	3.89	254	7.53	105	3.68	369	5.80	138	3.93	114
Grand Trunk	4.92	64	3.79	199	6.65	263	5.62	56	3.32	87
Canadian Northern, Quebec	3.22	61	13.92	9	4.91	70	11.23	8	1.82	2
Canadian Northern	2.02	49	6.06	11	2.93	60	5.07	103	12.74	26
Grand Trunk Pacific	3.17	15	5.33	3	4.54	18	5.18	25	8.89	6
Péree Marquette	2.67			4	2.11	4	.82	14	4.71	7
Michigan Central	3.19							2	14.28	
Dominion Atlantic		2	10.00			2	5.88			
Central Vermont				2	8.69	2	5.26			
Toronto, Hamilton and Buffalo	4.13			1	.84	1	.82			9
Quebec, Montreal and St. Lawrence				3	4.76	3	4.41	1	20.00	2
Boston and Maine										
St. Lawrence and Adir.				4	4.41	4	28.57			
Canadian Northern, Ontario	10.52			5	9.25	5	6.57	2	9.09	7
Great Northern										2
Ottawa and New York										2
Total	3.94	455	6.39	346	4.89	801	5.64	349	4.90	264

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STATEMENT No. 12.—Showing Cars Inspected for Year ending March 31 1913, together with defects noted.—Continued.

Name of Railway.	Per cent defective.	Sill steps Total.	Per cent defective.	Height of couplers Home.	Per cent defective.	Height of couplers Foreign.	Per cent defective.	Height of couplers Total.	Per cent defective.	Miscellaneous Home.
Canadian Pacific.....	4.00	252	3.96	13	.37	3	.10	16	.25	235
Grand Trunk.....	2.91	143	3.05	6	.35	2	.06	8	.17	171
Canadian Northern, Quebec.....	1.09	10	1.61							13
Canadian Northern.....	6.93	129	10.90	3	.37			3	.25	36
Grand Trunk Pacific.....	9.09	31	8.93							13
Père Marquette.....	3.70	21	4.32							13
Michigan Central.....		2	2.12							
Dominion Atlantic.....										
Central Vermont.....										
Toronto, Hamilton and Buffalo.....	7.56	9	7.43			3	2.52	3	2.47	
Quebec, Montreal and S.....	3.17	3	4.41							
Boston and Maine.....						1	2.94	1	2.63	
St. Lawrence and Adir.....										
Canadian Northern, Ontario.....	12.96	9	11.84							3
Great Northern.....	12.50	2	7.14							3
Ottawa and New York.....	33.33	2	28.57							
Total.....	3.73	613	4.32	22	.30	9	.12	31	.21	487

STATEMENT No. 12. Showing Cars Inspected for Year ending March 31 1913, together with defects noted—*Continued.*

Name of Railway.	Per cent defective.	Miscellaneous Foreign.	Per cent defective.	Miscellaneous Total.	Per cent defective.	Home total defects.	Per cent defective.	Foreign total defects.	Per cent defective.	Grand total defects.
Canadian Pacific.....	6.70	240	8.42	475	7.47	3,507	55.17	2,850	44.83	6,357
Grand Trunk.....	10.14	273	9.13	444	9.49	1,686	36.07	2,988	63.93	4,674
Canadian Northern, Quebec.....	2.96	13	7.10	26	4.18	438	70.53	183	29.46	621
Canadian Northern.....	4.45	20	5.33	56	4.73	808	68.30	375	31.69	1,183
Grand Trunk Pacific.....	4.62	1	1.51	14	4.03	281	80.97	66	19.02	347
Père Marquette.....	4.37	23	12.16	36	7.40	297	61.11	189	38.88	486
Michigan Central.....		10	12.50	10	10.63	14	14.99	80	85.10	94
Dominion Atlantic.....						20	58.82	14	41.17	34
Central Vermont.....		4	17.39	4	10.52	15	39.47	23	60.52	38
Toronto, Hamilton and Buffalo.....		12	10.08	12	9.91	2	1.65	119	98.34	121
Quebec, Montreal and St.....		7	11.11	7	10.29	5	7.35	63	92.64	68
Boston and Maine.....		5	14.70	5	13.15	4	10.52	34	89.47	38
St. Lawrence and Adir.....		1	11.11	1	7.14	5	35.71	9	64.28	14
Canadian Northern, Ontario.....	13.63	11	20.37	14	18.42	22	28.94	54	71.05	76
Great Northern.....	25.00	1	6.25	4	14.28	12	42.85	16	57.14	28
Ottawa and New York.....		2	33.33	2	28.57	1	14.28	6	85.70	7
Total.....	6.84	623	8.81	1,110	7.82	7,117	50.16	7,069	49.83	14,186

SESSIONAL PAPER No. 20c

STATEMENT No. 13.—Showing Inspections of Highway Crossings at which Accidents Happened attended by Personal Injury during the Year ending March 31, 1913.

File.	Place.	Railway.
Inv.		
1994	Didsbury, one and a half miles north.....	C.P.R.
2000	Sharbot Lake, crossing east of yard.....	C.P.R.
2006	Neepawa, crossing east.....	C.P.R.
2007	Transcona, M.P. 8 crossing.....	G.T.P.
2012	Vancouver, Front St. crossing.....	V.V. & E.
2018	Hamilton, Trolley St. crossing.....	G.T.R.
2019	Hamilton, Walnut St. crossing.....	T. H. & B.
2021	Ladysmith, Government Rd. crossing.....	C.P.R.
2025	Walton, Main St. crossing.....	C.P.R.
2027	Grand Valley, first crossing east.....	C.P.R.
2028	Piles Jct., first crossing west.....	C.P.R.
2033	Plaisance, first crossing west mile 84½.....	C.P.R.
2054	St. Joachim, Fortin's farm crossing.....	Q.R.L. & P.
2065	Digby, Maiden Lane crossing.....	D. A. R.
2067	Macoun M. 123 crossing west.....	C.P.R.
2076	Tilbury Station, crossing east.....	C.P.R.
2078	Tavistock, Hope St. crossing.....	G.T.R.
2084	Montreal, Fulford St. crossing.....	G.T.R.
2086	St. John, De Salaberry St. crossing.....	C.P.R.
2087	Buckingham, McLaren's Lumber spur.....	C.P.R.
2089	Oshawa, First Avenue crossing.....	Oshawa.
2096	Toronto, Berkeley St. crossing.....	G.T.R.
2099	Altona, Fourth St. crossing.....	C.P.R.
2112	Minnedosa, Main St. crossing.....	C.P.R.
2124	Chesterville, Main St. crossing.....	C.P.R.
2127	St. Johns, John St. crossing.....	G.T.R.
2137	Cooksville, Dundas St. crossing.....	C.P.R.
2150	Windsor, crossing 4½ miles south.....	W.E. & L.S.
2153	Tyndall, first crossing east of station.....	C.P.R.
2160	London, William St. crossing.....	G.T.R.
2177	Montreal, Guy St. crossing.....	G.T.R.
2189	Mileage 1, crossing 2,950 feet west.....	C.P.R.
2194	Point Grey, Townsend Rd. crossing.....	B.C. Ele.
2195	Newmarket Water St. crossing.....	G.T.R.
2206	Fork's Creek, crossing one mile west.....	M.C.R.
2207	Arthur, 2½ miles west.....	C.P.R.
2208	Niagara Falls, Ferry Road crossing.....	M.C.R.
2212	West Toronto, Royce Avenue crossing.....	C.P.R.
2213	Montreal, Mountain St. crossing.....	G.T.R.
2215	West Toronto, Strachan Avenue crossing.....	G.T.R.
2216	Brandon, Lorne Avenue crossing.....	C.N.R.
2253	Golden, crossing one mile west.....	C.P.R.
2271	St. Martins Jct., Gauthier crossing.....	C.P.R.
2292	Brighton, M.P. 238 crossing.....	G.T.R.
2293	Tilsonburg, Tilson Avenue crossing.....	C.P.R.
2294	Leamington, 6th Concession Road crossing.....	M.C.R.
2312	Toronto, Greenwood Avenue crossing.....	G.T.R.
2317	Montreal, Papineau Avenue crossing.....	C.P.R.
2321	Brantford, Chatham St. crossing.....	G.T.R.
2322	Mileage 105·7, crossing at concession 4.....	C.P.R.
2323	High Rivers, Macleod trail crossing.....	C.P.R.
2324	Chatham, Lacroix St. crossing.....	C.P.R.
2326	Toronto, Sherbourne St. crossing.....	C.N.O.
2327	Guelph, Allan's Bridge crossing.....	C.P.R.
2351	Golden Lake, crossing one mile north.....	G.T.R.
2352	Mileage 58, crossing 7 poles north.....	C.N.R.
2364	Steeltown, Korah Road crossing.....	A.C. & H.B.
2378	Varney, Public Road immediately north.....	G.T.R.
2380	Peterborough, Hunter St. crossing.....	G.T.R.
2381	Toronto, Royce Avenue crossing.....	G.T.R.
2389	Maidstone, crossing north.....	W.E. & L.S.
2404	St. Thomas, Park St. crossing.....	M.C.R.
2405	Ayr, Northumberland crossing.....	C.P.R.
2417	Fort William, Gore St. crossing.....	C.N.R.
2423	St. Bazile, crossing 2 miles west.....	G.T.R.
2426	Lachute, second public crossing west.....	C.P.R.
2427	Berlin, Edward St. crossing.....	G.T.R.

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STATEMENT No. 13.—Showing Inspections of Highway Crossings at which Accidents Happened attended by personal Injury during the Year ending March 31, 1913.
—Concluded.

File.	Place.	Railway.
Inv.		
2428	Chatham, Park St. crossing.....	G.T.R.
2434	St. Hilaire, first crossing west.....	G.T.R.
2464	Havelock, Concession St. crossing.....	C.P.R.
2485	Herbert, first crossing east.....	C.P.R.
2494	Grenfell, Anderson St. crossing.....	C.P.R.
2495	Joliette, first crossing east.....	C.N.Q.
2496	Montreal, Charlevoix St. crossing.....	G.T.R.
2497	Weston, King St. crossing.....	C.P.R.
2498	London, Ridout St. crossing.....	G.T.R.
2513	Winnipeg, Norwood St. Crossing.....	Wpg. Ter.
2541	Cardinal, first crossing west.....	G.T.R.
2544	Cascades, Gatineau Rd. crossing.....	C.P.R.
2550	Cluny, first crossing west.....	" C.P.R.
2567	Coaticooke, Court St. crossing.....	G.T.R.
2591	Toronto, Dovercourt Road crossing.....	C.P.R.
2603	Tillsonburg, Road crossing between lots 5 and 6.....	C.P.R.
2616	Prince Albert, First Avenue east crossing.....	C.N.R.
2623	Maple, crossing $1\frac{1}{2}$ miles north.....	G.T.R.
2626	Montreal, St. Remi St. crossing.....	G.T.R.
2631	Simcoe, fourth crossing north.....	G.T.R.
2637	Crossfield, crossing 350 yards south.....	C.P.R.
2639	Kingsville, crossing $\frac{1}{2}$ miles west.....	P.M.R.
2581	Peterboro, Stewart St. crossing.....	C.P.R.

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STATEMENT No. 14.—Showing Inspection of Highway Crossings Complained of as being Dangerous and requiring Protection.

File.	Place.	Railway.
9437-987	Waterville, N.S., crossing east of station.....	D.A.R.
9437-955	Waterville, N.S., crossing near station.....	D.A.R.
9437-975	Glen Robertson, Clara St crossing.....	G.T.R.
9437-850	Londesborough, Ont., crossing 1 mile south.....	G.T.R.
9437-852	Thorton, Ont., crossing west of station.....	G.T.R.
9437-848	Vinemont, Ont., crossing west.....	T.H. & B.
9437-845	Stoney Creek, Ont., crossing east.....	G.T.R.
9437-851	Thornton, Ont., crossing mouth of Station.....	G. T. R.
9437-847	Smiths Falls, Ont., Chambers St crossing.....	C.P.R.
9437-854	Newcastle, Ont., crossing 1 mile east.....	G.T.R.
9437-859	Norwood, Ont., Peterboro St crossing.....	G.T.R.
9437-857	Jordan Station, crossing east of station.....	G.T.R.
9437-874	Tp. of Holland, highway crossing known as "50 side road".....	G.T.R.
9437-894	Brockville, crossing west of station.....	G.T.R.
9437-922	Stamford, Ont., crossing over Churches lane.....	M.C.R.
9437-316	M.P. 66-1, Public Road crossing.....	C.P.R.
9437-766	Coldwater, Ont., Gray St. crossing.....	G.T.R.
9437-767	Coldwater, Ont., main St. crossing.....	G.T.R.
9437-921	Marsh Winery Road crossing.....	M.C.R. & G.T.R.
9437-781	St. Marys, Ont., Elizabeth & Elgin Sts. crossings.....	G.T.R.
9437-822	St. Marys, Ont., Side Road crossing.....	G.T.R.
9437-178	Port Credit, Ont., crossing east.....	G.T.R.
9437-932	Vineland, Ont., crossing east.....	G.T.R.
9437-913	Bowmanville, Ont., Wharf Road crossing.....	G.T.R.
9437-241	Uxbridge, Ont., Brock St. crossing.....	G.T.R.
9437-853	Winona, Ont., crossing east of station.....	G.T.R.
9437-947	M.P. 105-7, crossing at.....	C.P.R.
9437-952	Drumbo, Ont., crossing 2 miles west.....	G.T.R.
9437-956	Kerwood, Ont., crossing at.....	G.T.R.
9437-983	Milverton, Ont., Main St. crossing.....	G.T.R.
9437-982	Milverton, Ont., Mill St. crossing.....	G.T.R.
9437-933	Bridgeburg, Thompson Rd. crossing.....	G.T.R.
9437-976	Thorndale, Ont., Main St. crossing.....	G.T.R.
9437-637	Sarnia, Ont., Old McGregor Side Rd. crossing.....	G.T.R.
9437-990	Tp. of Adamston, Renfrew and Douglas Rd. crossing.....	C.P.R.
9437-964	Habermohl, Ont., crossing between Grey and Bruce.....	G.T.R.
9437-966	Glen Major, Ont., crossing near.....	C.P.R.
9437-780	Locust Hill, Ont., crossing near.....	C.P.R.
9437-841	Perth, Ont., Wilson St. crossing.....	C.P.R.
9437-856	Claremont, Ont., crossing 1½ miles west.....	C.P.R.
9437-789	Hudson Heights, Ont., crossing near.....	C.P.R.
9437-789	Mount Victoria Hill, crossing near.....	C.P.R.
9437-890	Montreal, Notre Dame St. crossing.....	C.P.R.
9437-879	L'Annonciation, crossing near.....	C.P.R.
9437-899	Rigaud, Que., crossing between Rigaud and Lavigne.....	C.P.R.
9437-901	Beaconsfield, Que., crossing near.....	C.P.R. & G.T.R.
9437-920	St. Lambert, Que., Lapiere road.....	G.T.R.
9437-943	Richmond, Jaffrey Road crossing.....	G.T.R.
9437-813	Crossing between Dunmore and Medicine Hat, Alta.....	C.P.R.
9437-842	Macleod, Alta., crossing near.....	C.P.R.
9437-820	Twin City, Alta., Rossland Road crossing.....	C.P.R.

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STATEMENT No. 15.- Showing Highway Crossings at which Protection Provided, and Nature of Protection, during Year ending March 31, 1913.

Order No.	Location of Crossing.	Railway.	Nature of Protection.
16237	Gladstone, Man., Main St.....	C. P. R. & C. N. R.	Watchman, 8 a.m. to 8 p.m.
16323	Bowmanville, Ont., Manvers road.....	C. N. O.	Electric bell.
16324	Berwick Station, east of.....	D. A. R.	Electric bell.
16428	Hutton Hill Highway, Bentick township.....	C. P. R.	Electric bell.
16429	Locust Hill.....	C. P. R.	Electric bell.
16444	Toronto, Lansdowne Avenue.....	C. P. R.	Gates and watchman.
16477	Stratford, Ontario street.....	G. T. R.	Electric bell.
16477	Stratford, Erie street.....	G. T. R.	Electric bell.
16519	Perth, Wilson street, one mile north.....	C. P. R.	Electric bell.
16536	Claremont, 1½ miles north.....	C. P. R.	Electric bell.
16541	Lynden, Ont.....	G. T. R.	Electric bell.
16553	Stamford township, Concession 3.....	G. T. R.	Electric bell.
16568	Hesperus, Alta., Main trail.....	C. P. R.	Electric bell.
16626	Belleville, Ont., Bay Bridge road.....	C. N. O.	Electric bell.
16665	Toronto, Dovercourt road.....	C. P. R.	Day and night watchman.
16667	Hartland, N.B.....	C. P. R.	Gates and watchman.
16732	Windsor, N.S.....	D. A. R.	Electric bell.
16733	Windsor, N.S.....	D. A. R.	Electric bell.
16734	Windsor, N.S.....	D. A. R.	Electric bell.
16735	Windsor, N.S.....	D. A. R.	Electric bell.
16809	Vancouver, B.C.....	C. P. R. & G. T. P.	Gates and watchman.
16811	Ottawa, Ont., Bronson avenue.....	G. T. R.	Overhead structure.
16814	Peterboro, Ont., King St.....	G. T. R.	Gates and day and night watchman.
16814	Peterboro, Ont., Sherbrooke street.....	G. T. R.	Gates and day and night watchman.
16854	Uxbridge, Ont., Brock street.....	G. T. R.	Electric bell.
16855	Springfield, Ont., Hornby street.....	M. C. R.	Electric bell.
16856	Springfield, Ont., East street.....	M. C. R.	Electric bell.
16936	Corinth, Ont.....	G. T. R.	Electric bell.
16936	Corinth, Ont.....	G. T. R.	Electric bell.
16988	St. Marys, Ont., Elgin street.....	G. T. R.	Electric bell.
16988	St. Marys, Ont., Elizabeth street.....	G. T. R.	Electric bell.
17004	Victoriaville, Que., Main street.....	G. T. R.	Gates and watchman.
17022	Woodstock, N. B., Queen street.....	C. P. R.	Electric bell.
17072	Fisherman, B.C., mileage 101.6.....	C. P. R.	Permanent watchman, day and night
17087	Windsor, N.S., Gerrish street.....	D. A. R.	Gates and watchman.
17208	Hamilton, Ont., Wellington street.....	G. T. R.	Watchman, 9 p.m. to 7 a.m.
17250	North Battleford, Sask.....	C. N. R.	Subway.
17477	Berkley, Ont.....	C. P. R.	Diversion at right angle..
17478	Woodstock, N.B., King street.....	C. P. R.	Gates and watchman.
17654	Galt, Ont., Stone road.....	C. P. R.	Watchman, 7 a.m. to 6 p.m.
17655	Norwood, Ont., Peterboro street.....	C. P. R.	Electric bell.
17659	Orillia, Ont., Tecumseh street.....	G. T. R.	Watchman, June, July, August and September.
17688	Orillia, Ont., West street.....	G. T. R.	Gates and watchman.
17688	Orillia, Ont., Front street.....	G. T. R.	Gates and watchman.
17697	Hamilton, Ont., Ottawa street.....	G. T. R.	Watchman, 7 a.m. to 7 p.m.
17705	Burks Falls, Ont., crossing 1 mile north.....	G. T. R.	Cut down trees and reduce clay banks.
17710	Thornton, Ont., Highway near.....	G. T. R.	Reduce Cedar hedge to 4 feet.
17753	Jordan, Ont., crossing just east.....	G. T. R.	Maintain electric bell.
17928	St. Lambert, Lapiniere road.....	G. T. R.	Gates and watchman.
17935	Sharbot Lake, Ont.....	C. P. R.	Electric bell.
17944	Vineland, Ont., crossing just west.....	G. T. R.	Electric bell.
17961	Toronto, Woodbine avenue.....	G. T. R.	Electric bell.
17998	Shedden, Ont., crossing 1 mile east.....	M. C. R.	Electric bell.
18000	Farnham, Que.....	C. P. R.	Remove baggage room to improve view.
18014	Fort William, Ont., McTavish street.....	C. P. R.	Gates and watchman.
18015	Toronto, George street.....	C. P. R. and G. T. R.	Watchman, 6.30 a.m. to 6.30 p.m.
18017	Hamilton, Ont., O'Reilly street.....	T. H. & B.	Day and night watchman.
18017	Hamilton, Ont., Ferguson street.....	T. H. & B.	Day and night watchman.
18032	Cardinal, Ont., Highway leading to.....	G. T. R.	Subway.
18087	Fort William, Ont., Gore street.....	C. N. R.	Gates and watchman.

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STATEMENT No. 15.—Showing Highway Crossings at which Protection Provided, and Nature of Protection, during Year ending March 31, 1913—*Concluded*.

Order No.	Location of Crossing.	Railway.	Nature of Protection.
18194	Jordan, Ont., crossing just east.....	G. T. R.....	To keep cars away from crossing in both directions.
18212	Gerrie's Crossing.....	T. H. & B.....	To cut down hill and improve view.
18344	Weymouth, N.S., public road east.....	D. A. R.....	Electric bell.
18387	Glenelg township, Ont., road between lots 100 and 101.	C. P. R.....	Electric bell.
18394	Richmond, Que., crossing 3 miles east.....	G. T. R.....	Electric bell.
18447	Kingston road, townships Brighton and Murray.	C. P. R.....	Diversion of road.
18504	Kerwood, Ont.....	G. T. R.....	Electric bell.
18580	Winnipeg, Man., Water avenue.....	C. N. R.....	Watchman, 6 a.m. to 12 12 p.m.
18613	Herbert, Sask.....	C. P. R.....	Yard moved to give better view of crossing.
18677	Chatham, Ont., La Croix street.....	C. P. R.....	Electric bell.
18690	Toronto, Greenwood avenue.....	G. T. R.....	Gates and watchman.
18691	Peterboro, Ont., Hunter street.....	G. T. R.....	Gates and watchman.
18698	Toronto, Ont., Bartlett avenue.....	C. P. R.....	Gates and watchman.
18705	Grenfell, Sask., Anderson street.....	C. P. R.....	Watchman, 8 a.m. to 8 p.m.
18710	Joliette, Que., crossing east.....	C. N. Q.....	Electric bell.
18736	St. Boniface, Man., Montcalm street.....	C. P. R.....	Gates operated by towerman in interlocking tower at Whittier junction.
18858	Fort William, Frederica street.....	C. N. R.....	Gates and watchman.
18858	Fort William, Edward street.....	C. N. R.....	Gates and watchman.
18872	Glen Major, Ont.....	C. P. R.....	Electric bell.
18887	Thorndale, Ont., Main street.....	G. T. R.....	Electric bell.
18888	Glen Robertson, Ont., Clara street.....	G. T. R.....	Electric bell.
18889	St. Hilaire, Que., first crossing west.....	G. T. R.....	Electric bell.
18893	Sarnia, Ont., old McGregor side road.....	G. T. R.....	Gates and watchman.
18893	Sarnia, Ont., gravel toll road.....	G. T. R.....	Gates and watchman.
19033	Murray, Ont., between lots 8 and 9.....	G. T. R.....	Highway carried over tracks by means of a bridge.
19051	Chatham, Ont., Centre street.....	C. P. R.....	Gates and watchman.
19076	Scarborough, Ont.....	C. L. O. & W.....	Electric bell.

RECAPITULATION.

Watchman.....	12
Electric bell.....	41
Gates.....	22
Overhead structures.....	3
Subway.....	2
Diversion.....	2
Removing obstructions.....	4
Siding to be kept clear of cars for certain distance from highway.....	1
Total.....	87

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STATEMENT No. 16.— Showing Station Locations approved of during the Year ending
March 31, 1913.

Name of Station.	Province.	Railway.	Order Number.	File Number.
Avonlea.....	Saskatchewan.....	C. N. R.....	17378	20321
Andinimaul.....	British Columbia.....	G. T. P.....	15780	21446
Bangor.....	Ontario.....	G. T. P.....	14120	17491
Beaudry.....	Ontario.....	G. T. P.....	14120	17486
Bedford.....	Ontario.....	C. N. O.....	15666	18639
Brookville Jet.....	Ontario.....	C. N. O.....	15955	18639
Bremen.....	Saskatchewan.....	G. T. P.....	16338	19497
Bellburne.....	Alberta.....	G. T. P.....	16353	19408
Bullockville.....	Alberta.....	G. T. P.....	16353	19406
Bircham.....	Alberta.....	G. T. P.....	16353	19403
Breeze.....	Saskatchewan.....	G. T. P.....	16363	19519
Brough.....	Saskatchewan.....	G. T. P.....	16363	19527
Bardo.....	Alberta.....	G. T. P.....	16678	19714
Bredenbury.....	Saskatchewan.....	C. P. R.....	17170	20084
Batiscan.....	Quebec.....	C. P. R.....	17528	20112
Bristol Corners.....	Quebec.....	C. N. O.....	17749	3561-100
Beachburg.....	Ontario.....	C. N. O.....	18468	20143
Brady Siding.....	Ontario.....	C. P. R.....	18550	20963
Briercrest.....	Saskatchewan.....	C. N. R.....	18620	19778
Boulter.....	Ontario.....	C. N. O.....	18781	21381
Brondacres.....	Saskatchewan.....	C. P. R.....	18912	21483
Clyde.....	Alberta.....	C. N. R.....	15918	19056
Cutknife.....	Alberta.....	C. P. R.....	18322	18630
Clareholm.....	Alberta.....	C. P. R.....	16336	19444
Cap Sante.....	Quebec.....	C. N. Q.....	16334	17989
Conrich.....	Alberta.....	G. T. P.....	16353	19402
Cedoux.....	Saskatchewan.....	G. T. P.....	17379	19508
Craven.....	Saskatchewan.....	C. P. R.....	16446	19637
Culeville.....	Saskatchewan.....	G. T. P.....	16458	19592
Cooksville.....	Ontario.....	C. P. R.....	17260	20322
Calgary.....	Alberta.....	C. N. R.....	17470	12924-177
Callander.....	Ontario.....	C. N. O.....	17834	20628
Clarendon.....	Ontario.....	James Bay.....	17902	3561-127
Coast Dist. w. ½ lot 1168.....	British Columbia.....	G. T. P.....	18477	3452-45
Cauchon Lake.....	Ontario.....	C. N. R.....	18781	21383
Carnaby.....	British Columbia.....	G. T. P.....	18780	21447
Ceylon.....	Saskatchewan.....	C. N. R.....	18900	21627
Drake.....	Saskatchewan.....	C. P. R.....	16126	16995
Duport.....	Saskatchewan.....	C. P. R.....	16127	15251
Demeules.....	Quebec.....	J. B. & E.....	16326	19494
Darmody.....	Saskatchewan.....	G. T. P.....	16374	19563
Deborah.....	Saskatchewan.....	G. T. P.....	16363	19521
Dewar Lake.....	Saskatchewan.....	G. T. P.....	16458	19586
Dodsland.....	Alberta.....	G. T. P.....	16848	19440
Dimant.....	Alberta.....	G. T. P.....	17124	20071
Davis.....	Alberta.....	C. N. R.....	18897	21053
Edson.....	Alberta.....	G. T. P.....	14120	15579
Exeter.....	Ontario.....	G. T. R.....	15653	18732
Elgin.....	Ontario.....	C. N. O.....	15665	18854
Eskbank.....	Saskatchewan.....	G. T. P.....	16374	19564
Esplanada.....	Ontario.....	W. E. & L. S.....	16544	15505
Edwin.....	Saskatchewan.....	G. T. P.....	17086	20189
Hardley.....	Quebec.....	C. P. R.....	17086	20189
Fallowfield.....	Ontario.....	C. N. O.....	16124	18646
Forgray.....	Saskatchewan.....	G. T. P.....	16374	19567
Fraser Lake.....	British Columbia.....	G. T. P.....	16435	19270
Fordwich.....	Ontario.....	C. P. R.....	17359	20314
Fort Francis.....	Ontario.....	C. N. R.....	17388	19916
			& 17089	
Foresters Falls.....	Ontario.....	C. N. O.....	17683	3561-111
Fesserton.....	Ontario.....	C. P. R.....	18601	21188
Grainger.....	Alberta.....	G. T. P.....	16353	19412
Gray.....	Saskatchewan.....	G. T. P.....	16363	19509
Griffin.....	Saskatchewan.....	G. T. P.....	16363	19523
Gabels.....	Ontario.....	G. T. R.....	7643	20380
Glenella.....	Manitoba.....	C. N. R.....	18706	19474
Hubalta.....	Alberta.....	G. T. P.....	16353	16411
Huntoon.....	Saskatchewan.....	G. T. P.....	16363	19514
Hill Hall.....	Saskatchewan.....	G. T. P.....	16363	19515

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STATEMENT No 16.—Showing Station Locations Approved of during Year ending
March 31, 1913—*Continued.*

Name of Station.	Province.	Railway.	Order Number.	File Number.
Hammond.....	Ontario.....	C. P. R.....	16764	19895
Hansall.....	Ontario.....	G. T. R.....	17370	19596
Hussar.....	Alberta.....	C. P. R.....	17742	20462
Innes.....	Saskatchewan.....	G. T. P.....	16363	19513
Innerkip.....	Ontario.....	C. P. R.....	17737	20662
Ingersoll Jct.....	Ontario.....	C. P. R.....	17805	20696
Inwood.....	Manitoba.....	C. N. R.....	18829	21655
Inrie.....	Alberta.....	G. T. P.....	18911	21691
Jaffray.....	British Columbia.....	C. P. R.....	16533	19642
Jeannette.....	Ontario.....	C. P. R.....	17525	20503
Janes.....	Ontario.....	C. N. R.....	18898	21512
Kingsgate, 5 miles north.....	British Columbia.....	C. P. R.....	15883	4205-4
Keystown.....	Saskatchewan.....	G. T. P.....	16339	19522
Kilfoyle.....	Ontario.....	C. N. O.....	16971	18642
Kitwauaga.....	British Columbia.....	G. T. P.....	18780	21449
Kelloe.....	Manitoba.....	C. P. R.....	18816	21618
Keston.....	Alberta.....	G. T. P.....	18911	21694
Kilfield.....	Saskatchewan.....	C. P. R.....	18915	21481
Lousaua.....	Alberta.....	G. T. P.....	16353	16406
Lindstrom.....	Saskatchewan.....	G. T. P.....	16374	19561
Leuvan.....	Saskatchewan.....	G. T. P.....	16363	19520
L'Acadie.....	Quebec.....	C. P. R.....	17904	20798
Legal.....	Alberta.....	C. N. R.....	18709	20831
Leipsig.....	Saskatchewan.....	C. P. R.....	18865	21482
Merivale.....	Ontario.....	C. N. O.....	16125	18647
Mile 223 C.D.....	British Columbia.....	G. T. P.....	16278	19310
Mile 285 C.D.....	British Columbia.....	G. T. P.....	16278	19309
Mile 227 C.D.....	British Columbia.....	G. T. P.....	16278	19308
Mile 397 C.D.....	British Columbia.....	G. T. P.....	16278	19307
Mile 365 C.D.....	British Columbia.....	G. T. P.....	16278	19306
Mile 170 C.D.....	British Columbia.....	G. T. P.....	16278	19305
Mile 260 C.D.....	British Columbia.....	G. T. P.....	16278	19304
Mile 253 C.D.....	British Columbia.....	G. T. P.....	16278	19303
Meacham.....	Saskatchewan.....	G. T. P.....	16338	19496
Mile 174.....	Ontario.....	C. N. O.....	16376	18648
Mawer.....	Saskatchewan.....	G. T. P.....	16374	19560
Minard.....	Saskatchewan.....	G. T. P.....	16363	19510
Melderdale.....	Saskatchewan.....	G. T. P.....	16458	19590
Mile 73.....	Saskatchewan.....	G. T. P.....	16458	19589
Mile 60.....	Saskatchewan.....	G. T. P.....	16458	19587
Mile 25.....	Saskatchewan.....	G. T. P.....	16492	19588
Mile 119.....	Saskatchewan.....	G. T. P.....	16480	19413
Meath.....	Ontario.....	C. P. R.....	16804	19738
Merritt.....	British Columbia.....	C. P. R.....	17071	16263
March.....	Ontario.....	C. N. O.....	17342	20309
Mac.....	Ontario.....	C. P. R.....	17355	20338
Miniota.....	Manitoba.....	G. T. P.....	17617	20371
Mink Lake.....	Ontario.....	C. N. O.....	18781	21384
New Hazelton.....	Manitoba.....	G. T. P.....	18503	18787
Nash.....	British Columbia.....	G. T. P.....	18780	21450
Nashbonsing.....	Ontario.....	C. N. O.....	18868	21492
Neville.....	Saskatchewan.....	C. P. R.....	18915	21485
Oalmer.....	Manitoba.....	G. T. P.....	14120	17483
Parkman.....	Saskatchewan.....	C. N. R.....	18791	21591
Prince George.....	British Columbia.....	G. T. P.....	18902	21418
Pitman.....	British Columbia.....	G. T. P.....	18943	21426
Quadra.....	Ontario.....	G. T. P.....	17488	21420
Richmond.....	Ontario.....	C. N. O.....	15870	18644
Rowletta.....	Saskatchewan.....	G. T. P.....	16374	19567
Rice-ton.....	Saskatchewan.....	G. T. P.....	16363	19511
Rainton.....	Saskatchewan.....	G. T. P.....	16363	19517
Rockwood.....	Ontario.....	G. T. R.....	16415	19110
Ruthilda.....	.....	G. T. P.....	16458	19585
Rowatt.....	Saskatchewan.....	G. T. P.....	16773	19873
Richmond.....	Quebec.....	G. T. R.....	16859	18092
Ritchie.....	British Columbia.....	G. T. P.....	18780	21448
Revenue.....	Saskatchewan.....	C. P. R.....	18873	21487
St. Rose.....	Quebec.....	C. P. R.....	15886	19114

STATEMENT No 16.—Showing Station Locations Approved of during Year ending
March 31, 1913.—*Concluded.*

Name of Station.	Province.	Railway.	Order Number.	File Number.
St. Martin Jet.....	Quebec	C. P. R.....	15887	19115
St. Joseph.....	Quebec	C. N. Q.....	15977	19111
Stoney Plain.....	Alberta	G. T. P.....	15948	17370
Stoney Beach.....	Saskatchewan	G. T. P.....	16339	19518
St. Felicien.....	Quebec	J. B. & E.....	16351	19493
Swalwell.....	Alberta	G. T. P.....	16355	19410
Steelman.....	Saskatchewan	G. T. P.....	16363	19516
Sander.....	Saskatchewan	G. T. P.....	16363	19525
Solfat.....	Saskatchewan	G. T. P.....	16363	19526
Springwater.....	Saskatchewan	G. T. P.....	16458	19593
St. Prima.....	Quebec	J. B. & E.....	16486	19726
Soo.....	Ontario	A. C. & H.....	16483	19613
Springside.....	Saskatchewan	C. P. R.....	16523	13566
Sixteen Island Lake.....	Quebec	C. N. Q.....	16563	19728
Stratford.....	Ontario	G. T. R.....	16742	18693
St. Augustin.....	Quebec	C. P. R.....	17005	20015
Smiths Falls.....	Ontario	C. N. O.....	17079	3878-514
Scugog.....	Ontario	C. P. R.....	17094	20197
St. Hermas.....	Quebec	C. P. R.....	17139	19882
Straffordville.....	Ontario	C. P. R.....	17356	20335
Smiley.....	Alberta	G. T. P.....	17365	20320
St. Gregorie.....	Quebec	G. T. R.....	17386	19456
South March.....	Ontario	C. N. O.....	17557	20394
Silverdale.....	Ontario	T. H. & B.....	17636	20498
Sunnyside, Toronto.....	Ontario	G. T. R.....	17709	20539
Shelburne.....	Ontario	C. P. R.....	17877	18746
St. Francois de Salle.....	Quebec	C. P. R.....	18354	17908
Swanson.....	Saskatchewan	C. N. R.....	18791	21894
Salma.....	British Columbia	G. N. R.....	18814	20975
Spaidal.....	Ontario	C. N. O.....	18899	21054
Tagona.....	Ontario	A. C. & H. B.....	15933	19022
Trochie.....	Alberta	G. T. P.....	16353	19409
Three Hills.....	Alberta	G. T. P.....	16353	19404
Talmagee.....	Saskatchewan	G. T. P.....	16363	19524
Torbolton.....	Ontario	C. N. O.....	17166	20128
Twin Butte.....	British Columbia	C. P. R.....	17500	20266
Tete Jaune.....	British Columbia	G. T. P.....	17799	20405
Twin Elm.....	Ontario	C. N. O.....	17859	18645
Troux.....	Saskatchewan	C. N. R.....	18791	21597
Viewfield.....	Saskatchewan	G. T. P.....	16363	19512
Vancouver.....	British Columbia	C. P. R.....	16720	19881
Vanguard.....	Saskatchewan	C. P. R.....	18915	21484
Weybury.....	Saskatchewan	C. P. R.....	16425	19540
Wasing.....	Ontario	C. N. O.....	18819	3561-140
Wymark.....	Saskatchewan	C. P. R.....	18847	21486
Yarbo.....	Manitoba	G. T. P.....	14120	17184
Yahk.....	British Columbia	G. T. P.....	16688	19709
Yellek.....	Ontario	C. N. O.....	18781	21382

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STATEMENT No. 17.—Summary of Principal Operating Orders.

General Order No.	Old Number.	Date		Remarks.
3	3238	July	3, 1907	Ordering railway companies to instal fire extinguishers in passenger cars.
10	4685	May	5, 1908	
36	6998	May	4, 1909	
4	3239	July	3, 1907	Ordering railway companies to provide certain protection in case of fire at wooden trestles.
8	3464	Aug.	13, 1907	
13	5103	July	30, 1908	
63	11446	Aug.	2, 1910	
5	3245	July	4, 1907	Ordering railway companies to equip locomotives with certain fire protective appliances, construct fire guards, etc.
9	3465	Aug.	14, 1907	
51	8903	Dec.	15, 1909	
91	16570	May	22, 1912	
12	4991	Mar.	10, 1908	Ordering railway companies to equip locomotives with a full set of signals.
15	5402	Oct.	15, 1908	Declaring reports in connection with accidents, etc., to be privileged.
16	5568	Nov.	3, 1908	Ordering railway companies to inspect electric crossing bells.
21	5754	Dec.	3, 1908	
29	6452	Mar.	2, 1909	
17	5647	Nov.	20, 1908	Ordering railway companies to locate mail cranes at a certain distance from the gauge side of nearest rail.
18	5678	Nov.	25, 1908	Ordering railway companies to prevent the unreasonable emission of smoke from locomotives in towns and cities.
67	12542	Dec.	9, 1910	Approving certain lighting systems for use in passenger cars.
19	5690	Nov.	17, 1908	
25	6190	Jan.	25, 1909	
82	15543	Nov.	27, 1911	
20	5736	Nov.	25, 1908	Requiring railway companies to use only certain freight cars for handling baggage in passenger trains.
22	5888	Dec.	16, 1908	Memorial of Trainmen's Association of Canada.
65	12225	Nov.	9, 1910	
68	12890	Feb.	6, 1911	
73	13363	Mar.	31, 1911	
24	6027	Nov.	25, 1908	Requiring railway companies to equip non-platform cars with proper operating lever for uncoupling cars.
28	6255	Feb.	10, 1909	Authorizing railway companies to remove planking at highway and farm crossings during the winter months.
47	8137	Sept.	14, 1909	
30	6490	Mar.	8, 1909	Ordering railway companies to equip tender trucks weighing 100,000 pounds or over when loaded, with steel tired wheels.
31	6535	Mar.	13, 1909	
44	7747	July	23, 1909	
45	7790	Aug.	16, 1909	
92	16575	May	22, 1912	
35	6965	May	7, 1909	Requiring Railway Companies to ventilate and clean passenger cars and station buildings.
40	7473	May	4, 1909	Regulations regarding fences and cattle guards and public highway crossings.
42	7563	July	12, 1909	Approval of Standard Train Rules.
43	7599	July	24, 1909	Master Car Builders to govern loading of lumber logs and stone on flat cars.
46	7881	Aug.	27, 1909	Regulations for carriage of explosives.
100	.....	Jan.	16, 1913	
48	8145	Sept.	14, 1909	Freight vans to be equipped with coupling operating levers and air gauges and air controlling valves.

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STATEMENT No. 17.—Summary of Principal Operating Orders.—*Concluded.*

General Order No.	Old Number.	Date.	Remarks.
54	9160	Jan. 6, 1910	Flag station order, earnings to be a certain amount before permanent agent appointed, etc.
56	10462	May 3, 1910	Ordering electric railway companies to equip certain cars with power brakes, in addition to hand brakes.
61	11627	July 19, 1910	Ordering railway companies to erect tell-tales at not less than 100 feet distant on either side of tunnels and bridges and other overhead structures.
64	12206	Nov. 3, 1910	Ordering railway companies to equip passengers cars with emergency tools.
66	12287	Nov. 3, 1910	Ordering railway companies to equip locomotives with air bell ringers.
70	12915	Feb. 7, 1911	Specifications for installation of electric bells.
96	.....	Nov. 11, 1912	
77	13857	May 30, 1911	Authorizing railway companies to install watchmen at a crossing where any accident has happened instead of reducing speed of trains to 10 miles an hour until such time as crossing inspected.
78	14115	July 14, 1911	Regulations governing inspection and testing of locomotive boilers.
87	15988	Feb. 17, 1912	Ordering railway companies to equip locomotives with dump ash pans.
89	16007	Feb. 17, 1912	Ordering railway companies to provide direct air connection between snow plows and locomotives.
94	17211	July 24, 1912	Regulations governing testing of hearing and eyesight of railway employees.
103	.....	Apr. 9, 1913	
95	.....	Nov. 2, 1912	Requiring railway companies to file notice of embargo.
102	.....	Feb. 17, 1913	Safety Appliance Standards.

All of which is respectfully submitted.

A. J. NIXON,

*Chief Operating Officer.*A. D. CARTWRIGHT,
Secretary, B. R. C. Building.

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APPENDIX "G."

PERMANENT STAFF OF THE BOARD OF RAILWAY COMMISSIONERS
FOR CANADA, FOR THE YEAR ENDING MARCH 31, 1913.

TRAFFIC DEPARTMENT.

Name.	Occupation.	Date of Order-in-Council.	Salary.
			\$ cts.
Hardwell, James.....	Traffic expert.....	June 22, 1904.....	4,700
Brown, G. A.....	Chief clerk.....	Oct. 3, 1904.....	2,200
McManus, C. E.....	Clerk.....	Aug. 20, 1904.....	1,250
Routhier, C. C.....	Clerk.....	Aug. 14, 1906.....	1,200
Lalonde, F.....	Clerk.....	May 6, 1907.....	1,100
Allen, J. S.....	Clerk.....	May 6, 1907.....	1,100
Messinger, H. W.....	Clerk.....	July 8, 1904.....	1,050
Usher, J. R.....	Clerk.....	May 6, 1907.....	950
Wainwright, W. G.....	Clerk.....	Apr. 27, 1909.....	950
Chapman, C. M. B. (resigned Dec. 31, 1912.)	Clerk.....	Apr. 11, 1907.....	850
Harvey, R.....	Clerk.....	Oct. 6, 1911.....	800
Brethour, L. L.....	Clerk.....	Dec. 2, 1911.....	800
Drum, A. B.....	Clerk.....	Feb. 6, 1913.....	800

ENGINEERING DEPARTMENT.

Mountain, G. A.....	Chief engineer.....	June 30 1904.....	\$ 5,000
Simons, T. L.....	Asst. chief engineer.....	Oct. 3, 1904.....	2,800
*Drury, H. A. K.....	1st asst. engineer.....	June 25, 1906.....	3,100
Bélanger, A. A.....	2nd asst. engineer.....	May 28, 1910.....	2,700
*Kerr, A. L.....	3rd asst. engineer.....	Aug. 1, 1911.....	2,800
Foulds, J. R.....	Clerk.....	Aug. 14, 1906.....	1,000
Wadsworth, E. W.....	Clerk.....	Sept. 12, 1912.....	800
†Barber, Miss E. A. H.....	Stenographer.....	May 8, 1907.....	950
†McDonald, Miss N.....	Stenographer.....	Oct. 14, 1910.....	850

RECORD DEPARTMENT.

Thomson, J. W.....	Chief clerk.....	Sept. 1, 1904.....	\$ 1,300
Huband, C. S.....	Acting record officer.....	May 2, 1905.....	1,250
Jamieson, W. A.....	Clerk.....	Aug. 14, 1906.....	1,000
Langelier, D.....	Clerk.....	Aug. 20, 1904.....	950
Martin, J. E.....	Clerk.....	May 6, 1907.....	950
Demers, F. R.....	Statistical clerk.....	Aug. 14, 1906.....	900
Chambers, D. H.....	Clerk.....	June 29, 1910.....	900
Lyon, N. B.....	Clerk.....	May 11, 1911.....	850
Carruthers, J. P.....	Clerk.....	Sept. 12, 1912.....	800
Edwards, F. A.....	Clerk.....	Oct. 19, 1912.....	800
Lajoie, J. V.....	Clerk.....	Dec. 10, 1912.....	800

*Includes \$300 allowed on account living expenses.

†Includes \$150 allowed on account living expenses.

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PERMANENT STAFF OF THE BOARD OF RAILWAY COMMISSIONERS
FOR CANADA, FOR THE YEAR ENDING MARCH 31, 1913.—*Continued.*

SECRETARY'S DEPARTMENT.

Name.	Occupation.	Date Order-in-Council.	Salary.
Ecclestone, A. E.	Chief clerk.	Aug. 14, 1906.	\$ 1,450
Arbick, J.	Clerk.	Dec. 23, 1904.	950
Larocque, A.	Clerk and stenographer.	Dec. 31, 1908.	900
Empey, R. W. (resigned 1st May, 1912).	Clerk and stenographer.	July 15, 1911.	700
Hollington, P.	Clerk.	Oct. 19, 1912.	800
Timmins, J.	Clerk.	Feb. 6, 1913.	800
Bliss, Miss M.	Stenographer.	May 29, 1911.	650
Gamble, Miss C. L.	Stenographer.	July 19, 1912.	600
MacGuire, Miss E.	Stenographer.	July 27, 1912.	600
Murphy, Mrs. L.	Stenographer.	Jan. 25, 1913.	600
Latour, T. D.	Mailing Clerk.	Dec. 31, 1907.	750

ASSISTANT SECRETARY'S DEPARTMENT.

Primeau, E. A.	Assistant secretary (for French correspondence).	May 7, 1904.	\$2,600
Lapointe, A.	Chief clerk and accountant.	May 6, 1907.	1,000
Casey, T. H.	Clerk and stenographer.	Aug. 28, 1909.	850
Turcotte, Miss A. M.	Stenographer.	May 29, 1911.	650

OPERATING DEPARTMENT.

Nixon, A. J.	Chief operating officer.	July 23, 1909.	\$4,000
Lalonde, F. C.	Asst. chief operating officer.	Aug. 20, 1904.	2,300
Ogilvie, J.	Asst. chief operating officer.	March 4, 1907.	2,300
*McCauley, M. J.	Inspector.	May 6, 1907.	2,300
Clark, J.	Inspector.	May 6, 1907.	2,000
Blyth, W. S.	Inspector.	May 6, 1907.	2,000
*Hudson, A. E.	Locomotive inspector.	May 3, 1912.	2,100
Gillett, L. D.	Locomotive inspector.	May 3, 1912.	1,800
*Gardiner, J.	Locomotive inspector.	May 3, 1912.	2,100
Harris, Tiffin.	Inspector.	May 3, 1912.	1,800
*Shinnick, J. H.	Inspector.	Dec. 31, 1909.	1,700
Poulin, A.	Inspector.	July 28, 1911.	1,200
Ward, H. H.	Chief clerk.	Feb. 11, 1911.	1,100
Britton, T. G.	Clerk.	May 6, 1907.	950
Dunsmore, T. E.	Clerk.	Oct. 14, 1912.	900
Parker, C. M.	Clerk and stenographer.	Oct. 14, 1912.	800
O'Connor, Miss G. M.	Stenographer.	Dec. 31, 1908.	750
O'Connor, N. F.	Clerk and stenographer.	Dec. 22, 1909.	750
(Resigned 29th June, 1912).			
Scroggie, Miss H. H.	Stenographer.	Jan. 25, 1913.	600

FIRE INSPECTION DEPARTMENT.

Leavitt, C.	Chief fire inspector.	Feb. 22, 1913.	\$ 800
Johnson, H. C.	Fire inspector.	Feb. 6, 1913.	1,800
White, R. J.	Chief clerk and stenographer.	Feb. 6, 1913.	900

*Including \$300 on account living expenses.

The salary of Mr. Leavitt is \$3,600 per annum, the difference is paid by the conservation commission.

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PERMANENT STAFF OF THE BOARD OF RAILWAY COMMISSIONERS
FOR CANADA, FOR THE YEAR ENDING MARCH 31, 1913.—*Concluded.*

LAW DEPARTMENT.

Name.	Occupation.	Date of Order-in-Council.	Salary.
Blair, A. G.....	Law clerk.....	Aug. 20, 1904.....	\$2,800
Larose, Miss R.....	Stenographer and librarian....	May 1, 1905.....	900
Fligg, Miss C. L.....	Stenographer.....	May 2, 1911.....	650

PRIVATE SECRETARY TO CHIEF COMMISSIONER.

Richardson, R.....	Secretary to chief Commissioner and acting secretary outside Ottawa.....	April 12, 1905.....	\$2,200
Lewis, Miss L. J.....	Clerk and stenographer.....	May 7, 1904.....	850

STENOGRAPHERS.

Cameron, Miss E. M.....	Clerk and stenographer to Commissioner McLean.....	Aug. 20, 1904.....	\$ 850
Hache, Miss M..... (Resigned July 21, 1912).	Clerk and stenographer to Assistant Chief Commissioner.....	Dec. 31, 1907.....	750
Casey, Miss N.....	Clerk and stenographer to Assistant Chief Commissioner.....	Dec. 31, 1908.....	850
Ross, Miss M. G.....	Clerk and stenographer to Commissioner Mills.....	Sept. 11, 1909.....	750
Vaughan, Miss M.....	Clerk and stenographer to Commissioner Goodeve.....	May 11, 1911.....	700
Cameron, Miss E..... (Resigned Aug. 31, 1912).	Stenographer.....	June 15, 1912.....	700

MESSENGERS.

*Chandler, T. (deceased).....	Store-keeper and court usher..	May 7, 1904.....	\$ 900
Graham, F. D.....	Chief messenger.....	Oct. 19, 1912.....	700
Barbeau, E. S.....	Messenger.....	Sept. 11, 1909.....	700
Wallace, A. J.....	Messenger.....	Oct. 19, 1912.....	650
Downes, Wm.....	Messenger.....	Oct. 19, 1912.....	650

CAR "ACADIA."

Pile, William.....	Cook.....		\$1,020
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REPORTING STAFF.

Butcher, N. R.....	Official reporter to Board.....	April 14, 1908.....	\$4,800
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NOTE.—This amount is a special amount fixed by contract covering all reporting for the Board.

APPENDIX "H"

REPORT OF FIRE INSPECTION DEPARTMENT.

BOARD OF RY. COM. FOR CANADA, March 31, 1913.

A. D. CARTWRIGHT, Esq.,
Secretary, Board of Ry. Com.,
Ottawa, Ont.

SIR,—I beg to submit herewith, for the eighth annual report of the Board, report of the Fire Inspection department for the year ending March 31, 1913.

ORGANIZATION.

Immediately following the issuance of order No. 16570, dated May 22, 1912 (see page 81), the Fire Inspection department was organized, through the temporary appointment by the Board of the undersigned as chief fire inspector. In pursuance of a co-operative arrangement, the undersigned is also under appointment as chief forester to the Commission of Conservation.

FIRE PATROLS.

The preparation of railway fire patrol plan under regulations 11 and 12 of order 16570 was undertaken at once, and conferences were held in the West with representatives of the railway companies. At these conferences were also present representatives of the Forestry branch, Department of the Interior, and of the Forest branch, Lands Department of British Columbia. Following the agreements reached at these conferences, letters were sent the following railway companies, specifying fire patrols and other fire-protective measures to be established on lines in British Columbia, Alberta, Saskatchewan, and Manitoba: Canadian Northern, Grand Trunk Pacific, Canadian Pacific, Great Northern, Esquimalt and Nanaimo, Victoria and Sydney.

Special patrols were prescribed only where the intensity of fire danger was considered sufficient to justify such action. The measures prescribed were based on the theory of efficient protection at a minimum of cost to the company.

PERSONNEL OF STAFF.

Provision was made for a local inspection staff through co-operative arrangements with the Forestry and Parks branches, Department of the Interior, and the Forest branch, Lands Department of British Columbia. Under these arrangements, the following superior field officers were appointed:—

H. R. MacMillan, chief forester, Forest branch, Lands Department, Victoria, B.C., appointed provincial fire inspector for British Columbia, to supervise fire inspection on all railway lines in the province under the jurisdiction of the Board, with the exception of lines in the Railway Belt. Mr. MacMillan is assisted by R. E. Benedict, assistant forester, who was appointed assistant provincial inspector.

D. Roy Cameron, district inspector of Dominion Forest Reserves, Forestry branch, Department of the Interior, Kamloops, B.C., appointed fire inspector for the Railway Belt.

W. N. Millar, district inspector of Forest Reserves, Forestry branch, Interior Department, Calgary, Alta., appointed fire inspector for Dominion Forest Reserves in Alberta.

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Howard Douglas, chief superintendent of Dominion Parks, Interior Department, Edmonton, Alta., appointed fire inspector for Dominion Parks. On his retirement from the Parks branch and his succession by P. C. Barnard Hervey, the appointment of Mr. Douglas was cancelled, and Mr. Hervey was appointed fire inspector for Dominion Parks, in his stead.

E. H. Finlayson, inspector of fire ranging, Forestry branch, Interior Department, Winnipeg, Man., appointed Fire Inspector, to supervise railway fire inspection on lines in Alberta, Saskatchewan, and Manitoba, not above provided for, with the exception of fire-guard inspection in Alberta and Saskatchewan.

Fire guard inspection in Alberta was provided for through the appointment as fire-guard inspector of Benjamin Lawton, chief fire guardian, Department of Agriculture, Edmonton.

Similar action for Saskatchewan was taken, through the appointment, with the same title, of R. J. McLean, fire commissioner, Attorney General's Department, Regina.

The government of Manitoba preferred to have the fire-guard inspection provided in some other way than through a plan of co-operation, and arrangements were accordingly made with the Dominion Forestry branch, Interior Department, for the handling of this work by E. H. Finlayson, appointed fire inspector, as above noted.

In case of each of the above officials, salary and travelling expenses were provided by the co-operating organizations, and was each assisted in handling the details of the fire inspection work by subordinate officers, likewise without cost to the Board. In some cases, these subordinate officers were appointed officers of the Board.

The above plan of co-operation has worked very satisfactorily, and much credit is due the co-operating organizations for the effective support they have given in the handling of this work.

R. J. White was appointed chief clerk and stenographer, in the Ottawa office of the department.

H. C. Johnston was appointed fire inspector, near the close of the year, to assist the chief fire inspector in supervising all the work of the department.

EXTENSION OF WORK TO THE EAST.

By the time the fire patrol work could be organized, as above, in the four western provinces, the fire season of 1912 was so far advanced that extension to the east was impracticable. The matter of co-operation was, however, taken up with the Governments of Ontario, Quebec, New Brunswick, and Nova Scotia, and in each case assurance was given that an officer would be designated by the Provincial Government for appointment by the Board, and that the necessary staff of subordinate inspectors would be provided.

Under this arrangement, E. J. Zavitz, forester, Department of Lands, Forests and Mines of Ontario, has been appointed provincial fire inspector for Ontario; and W. J. C. Hall, chief of the Forest Protection Branch, Department of Lands and Forests of Quebec, has been appointed provincial fire inspector, to supervise railway fire inspection work in that province. It is expected that similar arrangements will be made at an early date for the handling of fire inspection work in New Brunswick and Nova Scotia.

FIRE-GUARD CONSTRUCTION.

During the past year, following the previously-established policy, the construction of fire-guards was required, by the ploughing of a strip of not less than 16 feet in width, at a distance of not less than 300 feet from the track, on both sides of the track, along railway lines through the provinces of Alberta, Saskatchewan and Manitoba, except where a satisfactory showing should be made by the company that such action was either unnecessary or impracticable. The removal, by burning or other-

wise, of grass and other inflammable material between the ploughed strip and the track was also required.

It appears that some change in the above requirement is desirable in the case of cultivated and fenced pasture or grazing lands; and a study has accordingly been undertaken in order to determine what requirements should be made of the railway companies in this connection. In order to get as wide an expression of opinion as possible, circulars containing a large number of questions, were sent to the railway companies and to the representatives of the organized farming interests, with request for replies. The replies thus far received indicate clearly that some changes are desirable in the interests of all concerned. Some modifications will accordingly be made in the requirements for the season of 1913.

RIGHT OF WAY CLEARING.

Much attention has been paid the matter of securing compliance with section 297 of the Railway Act, which requires that "the Company shall at all times maintain and keep its right of way free from dead or dry grass, weeds and other unnecessary combustible matter."

Complaints by the public, and specified reports by the staff of the Fire Inspection and Operating departments have been closely followed up. Circular 107 (see Appendix L) was issued February 22, 1913, calling attention to the requirement of the Railway Act in respect to condition of the right of way.

FIRE PROTECTIVE APPLIANCES.

The inspection of fire-protective appliances on locomotives, under regulations 2 and 3 of order 16570, is handled by the Operating department of the Board.

AMENDMENT OF ORDER 16570.

On February 22, 1913, circular 108 was issued (see Appendix L) proposing for discussion certain modifications in regulation 15 of the order. Some other changes of a minor nature are also under consideration, and it is expected that an order will issue in the near future making these changes effective.

It is believed that the changes contemplated will strengthen the order, and will also dispose finally of the objections raised by the Canadian Pacific, Canadian Northern, and Grand Trunk Pacific Railways in connection with their application to the Supreme Court for leave to appeal with regard to certain features of order 16570.

RESULTS OF FIRE PATROLS, SEASON OF 1912.

As previously noted, order 16570 was issued May 22, 1912. On account of the time required for organizing the work, holding the necessary conference with railway officials, and enabling the railway companies to organize by securing necessary equipment and personnel, it was not possible to get the prescribed special patrols actually in effect before the months of July and August. The very unusually wet season then rendered unnecessary the establishment of a considerable number of the patrols prescribed. Many of the patrols were, however, established as prescribed, and did excellent service.

Principally on account of the weather conditions, the only serious railway fires were during the early part of the summer, before the measures required by order 16570 could be put into effect. Statistics of railway fire damage are necessarily incomplete. The accompanying table has, however, been prepared from the somewhat fragmentary data available.

Respectfully submitted,

CLYDE LEAVITT,
Chief Fire Inspector.

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SUMMARY of Reports on Fires occurring adjacent to Railway Lines in British Columbia, Alberta, Saskatchewan, and Manitoba, subject to the jurisdiction of the Board of Railway Commissioners for Canada. Season of 1912. (Exclusive of prairie fires.)

	Canadian Pacific.	Canadian Northern*	Grand Trunk Pacific.	Great Northern.	Esquimalt and Nanaimo.	Victoria and Sidney.	Totals.
Number of fires reported as starting within 300 feet of track (†).....	80	71	42	3	2	2	200
Causes of fires—							
(a) Trains.....	67	62	28	3	2	2	164
(b) Tramps, etc., and camp fires.....	4	4	4				12
(c) Other known causes....	5	5	10				20
(d) Unknown.....	4						4
Acres burned over by fires outside right of way—							
(a) Grass or cultivated land.....	35	3,500	600				4,135
(b) Young forest growth...	16,070		945	2			17,017
(c) Timber land.....	1,010	7	205	100			1,322
(d) Slashing or old burn not restocking.....	510	1,004	120	900		140	2,674
(e) Total.....	17,625	4,511	1,870	1,002		140	25,148
Value of property destroyed—							
(a) Young growth.....	\$51,150		\$500	\$5			\$51,655
(b) Standing timber.....	\$12,250	\$2,500	\$1,825	\$600			\$17,175
(c) Forest products in process of manufacture.	\$50		\$500		\$100		\$650
(d) Railway property not covered in above.....			\$18,250				\$18,250
(e) Other private property not covered in above...	\$100	\$150	\$500				\$750
(b) Total.....	\$63,550	\$2,650	\$21,575	\$605	\$100		\$88,480

(*) Does not include lines in British Columbia—Canadian Northern Pacific, not subject to Board.

(†) Many incipient fires not reported.

APPENDIX I.

LIST OF BOOKS IN LIBRARY UP TO MARCH 31, 1913.

- Abbott—Electrical Transmission of Energy.
 Abbott—Railway Law of Canada.
 Abbott on Telephony.
 Ackworth—Elements of Railway Economics.
 Actes du Canada et des provinces non abrogés par les Statuts Révisés, 1887.
 Acts of the Provinces and of Canada not repealed by the Revised Statutes, 1887.
 Act to regulate Commerce.
 Adams—Railroad Accidents.
 Adams—The Block System.
 Alabama—Reports of the Railroad Commission, 1908, 1910.
 Alberta Law Reports, 1908, 1909.
 Alberta Statutes, 1906—1913.
 Allen—Telegraph Cases.
 American Electrical Cases.
 American and English Annotated Cases, 27 Vols. Digest, Vols. 1-10; 1-20.
 American and English Encyclopedia of Law, 32 vols. Supplement.
 American and English Railroad cases, Old Series, 61 vols.; Digest, vols. 1-35; 36-43.
 American and English Railroad cases, New Series, 68 vols.; Digest, vols. 1-23; 24-43; and 44-53.
 American Railway Reports, 21 vols.
 American Reports, Digest, 2 vols.
 Anderson—Dictionary of Law.
 Anderson—Index-Digest of Interstate Commerce Laws.
 Armstrong—Digest of Nova Scotia Reports.
 Ashe—Electric Railways.
 Audette—Practice of the Exchequer Court.
 Auditor General's Reports.
 Baldwin—American Railroad Law.
 Barnes—Interstate Transportation.
 Bartholomew—Air Brakes for Electric Cars.
 Beach—Law of Railways.
 Beach—Monopolies and Industrial Trusts.
 Beach—Railway Digest (Annual) 1889.
 Beal on Bailments.
 Beal on Cardinal Rules of Legal Interpretation.
 Beal and Wyman—Railroad Rate Regulation.
 Beauchamp—Jurisprudence of the Privy Council.
 Beaudry-Lacantinerie—Droit Civil.
 Beavan & Walford—Railway Cases.
 Bell & Dunn—Practice Forms.
 Belsterling—Digest of Decisions—Transit Privileges.
 Beullac—Code de Procedure Civile.
 Bigg's General Railway Acts.
 Biggar's Municipal Manual.
 Bird's Digest of British Columbia Case Law.
 Blakemore—Abolition of Grade Crossings in Massachusetts.
 Bligh's Ontario Law Index to 1900.
 Bligh and Todd—Dominion Law Index, 1898.
 Booth—Street Railways.
 Boulton—The Law and Practice of a case stated.
 Bouvier's Law Dictionary.
 Boyle & Waghorn—The Law and Practice of Compensation.
 Boyle & Waghorn—The Law Relating to Railway and Canal Traffic.
 Brandeis—Scientific Management.
 Brassey, Lord—Fifty years of Progress and the New Fiscal Policy.
 Brice on Tramways and Light Railways.
 Brice—Ultra Vires.
 British Columbia Reports, 16 vols.
 British Columbia Statutes, 1872-1913. Revised Statutes, 1897, 1911. Consolidated Statutes, 1877.
 British Columbia Year Book.
 British Ruling Cases.
 Brockway—Electric Railway Accounting.
 Broom's Legal Maxims.

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LIST OF BOOKS IN LIBRARY UP TO MARCH 31, 1913.—Continued.

- Browne's Law of Carriers.
 Browne on the Law of Compensation.
 Browne's Practice before the Railway Commissioners.
 Brown, MacNamara & Neville—English Railway and Canal Traffic Cases, 14 vols.
 Brown and Theobald—Law of Railways.
 Bullinger's Postal and Shipper's Guide for the United States and Canada, 1912.
 Butterworth's Practice of the Railway and Canal Commission.
 Butterworth—Railways and Canals.
 Byer's Economics of Railway Operation.

 California, Reports of the Railroad Commission.
 Calverts' Regulation of Commerce.
 Campbell on Forest Fires and Railways.
 Cameron's Supreme Court Practice and Rules, 1913.
 Canada Law Journal.
 Canada and Newfoundland Gazetteer, 1909, 1910.
 Canada Year Book.
 Canadian Annual Digest.
 Canadian Annual Review.
 Canadian Case Law Digest.
 Canadian Law Review.
 Canadian Law Times.
 Canadian Reports, Appeal Cases.
 Canadian Ten-Year Digest.
 Car Builder's Dictionary.
 Carmichael—Law of the Telegraph, Telephone and Submarine Cable.
 Carter—When Railroads were new.
 Cartwright's British North America Cases.
 Cartwright's Canadian Law List.
 Casson, Ellis and Hutchinson, jr.—Horse, Truck and Tractor.
 Century Dictionary and Cyclopaedia.
 Chandler on the Express Service and Rates.
 Chambers' Parliamentary Guide.
 Charter of the City of Montreal with Amendments.
 Chitty's Archbold's Q. B. Practice.
 Chitty's K. B. Forms.
 Clapp—The Navigable Rhine.
 Clarke and Others—The American Railway.
 Clarke's Street Accident Law.
 Clarke on State Railroad Commissions.
 Clark's Studies in History, Economics and Public Law. Standards of Reasonableness in Local Freight Discriminations.
 Clements' Canadian Constitution.
 Clements' Federal Supervision of Railroads.
 Cleveland and Powell—Railroad Finance.
 Cleveland and Powell—Railroad Promotion and Capitalization.
 Clifton and Grunau—A New Dictionary of the French and English Languages.
 Clifton and Grunau—Technological Dictionary, English, German, French.
 Clode's Rating of Railways.
 Colson—Abrégé de la législation des Chemins de Fer et Tramways.
 Commission Telephone Cases.
 Congdon's Digest of Nova Scotia Reports.
 Connecticut—Reports of Railroads.
 Connor's Report of the Working of American Railways.
 Constantineau on the de Facto Doctrine.
 Cooley on the American Railway—Its Construction, Development, Management, and Appliances.
 Cooley on Taxation.
 Copnall—A Practical Guide to the Administration of Highway Law.
 Cowles—A General Freight and Passenger Post.
 Coutlee's Digest of Supreme Court Reports.
 Criminal Code.
 Crosswell on the Law Relating to Electricity.
 Curran—Freight Rates Studies in Rate Construction.
 Currier's Railway Legislation of the Dominion of Canada.
 Cyclopaedia of Law and Procedure.

 Dagger on Telephone Systems—The Ontario Telephone Act.
 Daggett—Railroad Re-organization.
 Dale and Lehmann's English Over-ruled cases.
 Daniell's Chancery Forms.
 Darlington's Railway and Canal Traffic Acts.
 Darlington on Railway Rates.
 Daviel—Des Cours d'Eau.
 Denton's Municipal Negligence (Highways.)

LIST OF BOOKS IN LIBRARY UP TO MARCH 31, 1913.—Continued.

- Dewsnup on Railway Organization and Working.
 Dictionary of Altitudes in Canada.
 Directory of Railway Officials.
 Disney's Carriage by Railway.
 Dodd's Law of Light Railways.
 Doherty—Liability of Railroads to State Employees.
 Dorsey—English and American Railroads compared.
 Douglas—The Influence of the Railroads of the United States and Canada on the Mineral Industry.
 Drinker's Interstate Commerce Act. Supplement.
 Droege—Freight Terminals and Trains.
 Duff on Merchant's Bank and Railroad Bookkeeping.
 Dunn's American Transportation Question.

 Eaton on Railroad Operations. How to Know them.
 Eddy on Combinations.
 Edward's Railway Nationalization.
 Elliott—The A. B. C. of Railroad Signalling.
 Elliott—The Individual, the Corporation and the Government.
 Elliott—Minnesota. The Railways and Advertising.
 Elliott on Railroads.
 Elliott on Roads and Streets.
 Encyclopedia Britannica.
 Encyclopedia of the Laws of England.
 Endlich on Statutes.
 English Law Reports.
 English Law Reports Digest.
 English Reports (reprints.)
 English Ruling Cases, 26 vols. Supplement, vol. 27.
 Exchequer Court Reports.

 Ewart's Digest of Manitoba Law Reports.
 Farnham—Waters and Water Rights.
 Fetter's Carriers of Passengers.
 Finch on Federal Anti-Trust Divisions.
 Florida—Annual Reports of the Railroad Commission.
 Forney's Catechism of the Locomotive.
 Foster on Engineering Valuation of Public Utilities and Factories.
 Georgia—Railroad Commission Annual Reports.

 Gephart on Transportation and Industrial Development in the Middle West.
 Gilbert's Street Railway Reports.
 Gillette's Hand Book of Cost Data.
 Glen on Highways.
 Goodeve—Railway Passengers.
 Gould on Waters.
 Gray's Communication by Telegraph.
 Greene on Highways.
 Grierson—Railway Rates English and Foreign.

 Hadley's Railway Transportation.
 Hadley on Railway Working and Appliances.
 Haines' American Railway Management.
 Haines on Railway Corporations as Public Servants.
 Haines' Restrictive Railway Legislation.
 Hamilton's Railroad Laws of New York.
 Hamilton's Railway and other Accidents.
 Hamlin's Interstate Commerce Acts Indexed and Digested.
 Hammond's Railway Rate Theories of the Interstate Commerce Commission.
 Hardcastle's Statute Law.
 Hatfield's Lectures on Commerce.
 Hay, jr.—The Law of Railway Accidents in Massachusetts.
 Hemmeon's History of the British Post Office.
 Henderson on Ditches and Water Courses.
 Henderson on Locomotive Operation.
 Hendrick's Railway Control by Commissions.
 High on Injunctions.
 Hitt's Electric Railway Dictionary.
 Hodges on Railways by J. M. Lely.
 Hodgkin's Dominion and Provincial Legislation.
 Holmested and Langton's Ontario Judicature Act.
 Holmested and Langton's Forms and Precedents.
 Holt's Canadian Railway Law.
 Hopkins on the Law of Personal Injuries.
 Hudson on Compensation.

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LIST OF BOOKS IN LIBRARY UP TO MARCH 31, 1913.—Continued.

- Hutchinson's Carriers.
Hutchinson on Carriers. 2nd Ed. Mechem.
- Illinois Railroad and Warehouse Commission Special Report, 1902-6.
Illinois Railroad and Warehouse Commission Annual Reports.
Imperial Statutes, 1876.
Index of Cases Reported in Law Reports.
Index to Quebec Official Reports.
Indiana Railroad Commission Annual Reports.
Interstate Commerce Commission Reports.
Interstate Commerce Commission First Annual Report of the Statistics of Express Companies in the United States, 1909.
Interstate Commerce Reports.
Ivatts' Railway Management.
Interstate Commerce Act as amended (1912.) State Public Utility Laws, Federal and State Court Decisions, Interstate Commerce Laws.
- Jackman's Freight Rates and Classifications.
——Jevons on the State in relation to Labour.
Johnson on American Railway Transportation.
Johnson & Huebner—Railroad Traffic and Rates.
Johnson—Ocean and Inland Water Transportation.
Jones' Telegraph and Telegraph Companies.
Joy—Toll Telephone Practice.
Joyce on Electric Law.
Judgment of the Board Relating to Express Companies in Canada.
Judson on Interstate Commerce.
- Kant's Index to cases Judically Noticed in the Law Reports.
Keasbey—Electric Wires.
Kerr on Injunctions.
Kirkman on the Science of Railways.
- Lafleur's Conflict of Laws.
Langelier's Cours de Droit Civil.
Langelier—De la Preuve.
Langstroth & Stilz—Railway Co-operation.
Larombiere.
Latimer's Railway Signalling in Theory and Practice.
Laurent's Droit Civil.
Law Reports Digest.
Law Times Reports.
Law Times Reports General Index.
Lefroy on Legislative Power in Canada.
Legal Mews.
Leggett on Bills of Lading.
Lewis' American Railroad and Corporation Reports.
Lewis' Eminent Domain.
Lewis Sutherland on Statutory Construction.
Littre et Beaujeu—Dictionnaire de la langue Francaise avec un Supplement d'Histoire et de Geographie.
Louisiana Railroad Commission Reports.
Lovell's Compendium.
Lovell's Gazetteer of the Dominion of Canada.
Lower Canada Jurists.
Lower Canada Reports.
Lust and Merriam—Digest of Decisions under the Interstate Commerce Act.
- MacBeth—The Rationale of Rates.
MacMillan & Gutches—Forest Products of Canada.
MacMurchy & Dennison's Canadian Railway Act, Annotated.
MacMurchy and Dennison's Canadian Railway Cases.
MacMurchy and Dennison's Railway Law of Canada.
Macnamara's Law of Carriers.
Maine Commissioner of Highways Annual Reports.
Manitoba Law Reports.
Manitoba Reports—Temp. Wood.
Manitoba Statutes, 1871-1912. Revised Statutes, 1891 and 1902.
Mann—Massachusetts Railroad and Railway Laws.
Manual Railway and Signal Association.
Marriott—The Fixing of Rates and Fares.
Maryland Bureau of Statistics and Information Annual Report 1910.
Massachusetts Railroad Commissioners Annual Reports.
Masters' Supreme Court Practice.
Mathieu's Code Civil de la Province de Quebec.

LIST OF BOOKS IN LIBRARY UP TO MARCH 31, 1913.—Continued.

- Mayne on Damages.
 Maxwell on Statutes.
 McDermot on Railways.
 McLean—Georgian Bay Canal.
 McNicol' American Telegraph Practice.
 McPherson & Clarke's Law of Mines.
 McPherson on Railroad Freight Rates in Relation to the Industry and Commerce of the United States.
 McPherson on Transportation in Europe.
 McPherson on the Working of the Railroads.
 Merritt's Federal Regulation of Railway Rates.
 Mews' Digest of English Case Law, 16 vols. and Annual Supplements, 1898-1913.
 Meyer's British State Telegraphs.
 Meyer's Government Regulation of Railway Rates.
 Meyer on Municipal Ownership in Great Britain.
 Meyer on Public Ownership and the Telephone in Great Britain.
 Meyer's Railway Legislation in the United States.
 Michigan Railroad Laws.
 Michigan Commissioner of Railroads Reports.
 Mignault.
 Mills on Our Inland Seas, Their Shipping and Commerce for Three Centuries.
 Minnesota Railroad and Warehouse Commission Reports.
 Mississippi Railroad Commissioner's Reports.
 Missouri Railroad & Warehouse Commissioners' Reports.
 Moulton on Waterways v. Railways.
 Montreal Directory.
 Montreal Law Reports. Digest by Saint Cyr.
 Montreal Street Railway Company's Annual Report, 1909.
 Moody's Analyses of Railroad Investments, 1912.
 Moody—How to analyze Railroad Reports.
 Moore on Carriers.
 Morris on Railroad Administration.
 Mossop's Railway Operating Statistics.
 Murray's English Dictionary.
 Nebraska Railway Commission Annual Reports.
 Nebraska Laws Relating to Railroads and other Common Carriers. Nebraska State Railway Commission.
 Nellis on Street Railroad Accident Law.
 Nellis—Street Service Railroads.
 Nelson on the Anatomy of Railroad Reports.
 Nelson—Interstate Commerce Commission.
 Nevada Railroad Commission Annual Reports.
 Nevada Public Service Commission Report, 1912.
 New Brunswick Board of Commissioners Public Utilities Report.
 New Brunswick Equity Reports.
 New Brunswick Reports.
 New Brunswick Statutes 1867-1912. Consolidated Statutes, 1877 and 1903.
 Newcombe—Railway Economics.
 Newcombe on Work of the Interstate Commerce Commission.
 New Jersey Board of Public Utility Commissioner's Reports.
 New Jersey Board of Railroad Commissioners' Reports.
 New York Public Service Commission Reports.
 New York Railroad Commissioners' Reports.
 New York Railroad Commissioners' Reports.
 Nichol's English Railway and Canal Cases.
 North Carolina State Tax Commission Reports.
 North West Territories Ordinances, 1878-1905.
 Nova Scotia Judicature Act, 1900.
 Nova Scotia Reports, 45 vols.
 Nova Scotia Statutes, 1865-1912. Revised Statutes, 1871, 1884, and 1900.
 Noyes on American Railroad Rates.
 Nutts' Technological Dictionary, French, German, English.
 O'Brien's Conveyancer.
 Official Postal Guide of Canada.
 Oklahoma Corporation Commission Reports.
 Ontario Digest Case Law. Supplement.
 Ontario Gazetteer and Business Directory.
 Ontario and Upper Canada Reports.
 Ontario Law Reports Index of Cases.
 Ontario Law Reports Digest of Cases.
 Ontario Railway Digest.
 Ontario Railway and Municipal Board Reports.
 Ontario Statutes, 1867-1913. Revised Statutes, 1877, 1887, and 1897.

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LIST OF BOOKS IN LIBRARY UP TO MARCH 31, 1913.—Continued.

- Oregon Railroad Commission Reports.
 Ottawa Directory.
 Oxley's Light Railways.

 Paine on the Law of Bailments.
 Paish on the British Railway Position.
 Parsons on the Heart of the Railroad Problem.
 Parsons on Railway Companies and Passengers.
 Patterson's Railway Accident Law.
 Pease on the Freight Transportation of Trolley Lines.
 Pennsylvania State Railroad Commission Reports.
 Petition of the Merchants' Association of New York, et al, before the Interstate Commerce Commission, in relation to Express Service, Rates, Regulations and Practices.
 Pierce's Digest of Decisions under the Act to Regulate Commerce, 1887-1908.
 Piggot's Imperial Statutes.
 Pim on the Railways and the State.
 Pollock's Bill of Lading Exceptions.
 Poor's Manual of Railroads.
 Postal Guide of Canada.
 Pratt's American Railways.
 Pratt on Canals and Traders.
 Pratt on German vs. English Railways.
 Pratt & MacKenzie on Highways.
 Pratt on a History of Inland Transport and Communication in England.
 Pratt on Railways and their Rates.
 Prentice—Federal Powers over Carriers and Corporations.
 Prince Edward Island Reports.
 Prince Edward Island Statutes, 1867-1912.
 Proctor on the Drainage Acts, 1908, Ontario, Manitoba and British Columbia.

 Quebec Law Reports.
 Quebec Public Utilities' Commission Annual Reports.
 Quebec Statutes, 1868-1912. Revised Statutes, 1888, 1889, and 1909.

 Railway Signal Association 1909 Proceedings.
 Railway Statistics of Canada.
 Railway Statistics of the United States.
 Railways in the United States.
 Ramsay and Morin's Reports.
 Rapalje's Digest of American Decisions and Reports.
 Rapalje & Mack's Digest of Railway Law, 8 vols.
 Raper's Railway Transportation.
 Rapports Judiciaires Officiels de Quebec.
 Ray's Negligence of Imposed Duties—Passenger Carriers. Freight Carriers.
 Redfield on the Law of Railways.
 Redman's Arbitration and Awards.
 Redman on the Law of Railway Carriers.
 Reese on Ultra Vires.
 Revue de Jurisprudence.
 Revue Legale.
 Rhode Island Public Utilities Commission Annual Reports.
 Richards—Conservation of Men.
 Richardson & Hook's American Street Railway Decisions.
 Richards & Soper on Compensation.
 Ripley on the Railroads and the People.
 Ripley—Railroads, Rates and Regulations.
 Ripley's Railway Problems.
 Robertson on Tramways.
 Robinson & Joseph's Law and Equity Digest.
 Roscoe's Nisi Prius.
 Ross on British Railways.
 Rover on Railroads.
 Russell on Arbitration.
 Russell & Bayley's Indian Railways Act, 1890.
 Russell's Equity Decisions of Nova Scotia.

 Saskatchewan Reports.
 Saskatchewan Statutes, 1906-1912. Revised Statutes, 1909.
 Sayings and Writings about the Railways.
 Schoulers' Bailments and Carriers.
 Scott on Automatic Block Signals.
 Scott's Law of Telegraphs.
 Scrutton's Charter parties and Bills of Lading.
 Sellow on Steel Rails—Their History, Properties, Strength and Manufacture.

LIST OF BOOKS IN LIBRARY UP TO MARCH 31, 1913. - Concluded.

- Seton on Decrees.
 Shaughnessy—Before the Interstate Commerce Commission. Long and Short Haul Provisions.
 Shelton—The Lakes-to-the-Gulf Deep Waterway.
 Sirey's Code Civil.
 Smith's Organization of Ocean Commerce.
 Snyder on American Railways as Investments.
 Snyder's Annotated Interstate Commerce Act and Federal Anti-Trust Laws.
 Sourdat.
 South Carolina Railroad Commission Reports.
 Statutes of Canada, 1867-1911. Revised Statutes, 1886, 1906.
 Statutes relating to the City of Toronto, 1894.
 Stephens' Digest of Highway Cases.
 Stephens' Quebec Digest.
 Sterne—Railways in the United States.
 Steven's Digest of New Brunswick Reports.
 Stewart's Index to Dominion and Provincial Statutes.
 Stickney on the Railway Problem.
 Streets' Foundations of Legal Liability.
 Strombeck—Freight Classification.
 Stroud's Judicial Dictionary.
 Suffern & Son—Railroad Operating Costs.
 Supreme Court of Canada Reports.
 Sutherland on Damages.

 Talbot—The Making of a Great Canadian Railway.
 Talbot and Fort's English Citations.
 Talbot's Railway Conquest of the World.
 Taschereau on the Criminal Code.
 Taschereau's These du Cas Fortuit.
 Taylor on Evidence.
 Temiskaming & Northern Ontario Railway Commission Annual Reports.
 Territories Law Reports.
 Texas Railroad Commission Reports.
 La Themis.
 Theoret's Code de Procedure Civile, Montreal.
 Thompson's Law of Electricity.
 Thornton on Railroad Fences and Private Crossings.
 Tiedeman's Municipal Corporations in the United States.
 Toronto Directory.

 United States Supreme Court. Reports. Digest.

 Van Zile—Bailments and Carriers.
 Vaughan's Index to the Railway Acts of Canada, 1898.
 Vermont Public Service Commission Reports.
 Vermont Public Service Laws Compiled from the public statute and the Acts of the General Assembly at the Sessions of 1908 and 1910.

 Virginia State Corporation Commission Reports.
 Waghorn—Traders and Railways.
 Washington on Progress and Prosperity.
 Webb's Economics of Railroad Construction.
 Webster's Collegiate Dictionary.
 Weir's Assessment Law, Canada.
 Weld—Private Freight Cars and American Railways.
 Wellington on the Economic Theory of Railway.
 Wellington's Economical Theory of Railway Location.
 Weyl on Passenger Traffic of Railways.
 Whitaker's Almanac.
 Wigmore on Evidence.
 Wilson on Mechanical Railway Signalling.
 Wilson on Power Railway Signalling.
 Wilson—Safety of British Railways.
 Wisconsin Railroad Commission Reports.
 Woods' Railway Law.
 Woodfall on Railway and Canal Traffic.
 Words and Phrases Judicially Defined.
 Wright's Locomotive Dictionary, 1912. American Railway Master Mechanic's Association.
 Wyman on Public Service Corporations.

 Young's Admiralty—Nova Scotia Reports.
 Yukon Territory Ordinances, 1903-1912. Consolidated Ordinances, 1902.

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APPENDIX J.

STATEMENT showing applications made to the Board under the various sections of the Railway Act, for the year ending March 31, 1913.

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APPENDIX K.

LIST of Cases appealed to the Supreme Court from February 1, 1904, to March 31, 1913.

1.—File 1114. Montreal Terminal Railway vs. Montreal Street Railway, Pius IX Avenue crossing. Appeal from order of the Deputy Chief Commissioner and Commissioner Mills on question of jurisdiction. Appeal allowed.

2.—File 1492. James Bay Railway vs. Grand Trunk Railway crossing Belt Line spur. Appeal to the Supreme Court on question of law. Appeal dismissed.

3.—File 383. Canada Atlantic Railway, Ottawa Electric Railway and city of Ottawa *re* Bank Street subway. Appeal of the Ottawa Electric Railway on question of law. Appeal dismissed.

4.—File 588. *Re* Toronto Union Station, A. R. Williams expropriation. Appeal to the Supreme Court and then to the Privy Council, England, on question of jurisdiction. Appeal dismissed.

5.—File 1604. Case 1309. Robinson vs. Grand Trunk Railway two-cent rate. Appeal to the Supreme Court and then to the Privy Council, on question of law. Appeal dismissed.

6.—File 689. Canadian Pacific Railway vs. Grand Trunk Railway *re* branch line, London, Ont. Grand Trunk Railway Company appeal to Supreme Court on question of jurisdiction. Appeal dismissed.

7.—Case 1680. Essex Terminal and W.E. & L.S.R.R. crossing. Township of Sandwich. Appeal by the Essex Terminal Railway to the Supreme Court on question of law. Appeal dismissed.

8.—File 1497. T. D. Robinson and Canadian Northern Railway spur at Winnipeg. Appeal to the Supreme Court by the Canadian Northern Railway Company on question of jurisdiction. Appeal dismissed.

9.—File 9527. Montreal Street Railway *re* rates, Mount Royal ward. Appeal by the Montreal Street Railway to the Supreme Court of Canada on question of jurisdiction. Appeal allowed.

10.—File 8644. Case 4719. *Re* Agriculture Department, province of Ontario and Grand Trunk Railway Company station at Vineland. Appeal to the Supreme Court of Canada by the railway company on question of jurisdiction. Appeal dismissed.

11.—Case 3322. *Re* Toronto viaduct. Appeal to the Supreme Court by the Canadian Pacific Railway Company on question of law. Appeal dismissed.

12.—Case 4813. *Re* fencing and cattle guards. Order No. 7473. Appeal to the Supreme Court by the Canadian Northern Railway Company on question of jurisdiction. Appeal allowed in part.

13.—File 9351. Case 4492. City of Toronto and Grand Trunk Railway and Canadian Pacific Railway Companies *re* commutation tickets. Stated case to the Supreme Court by city of Toronto on question of law.

14.—File 5999. Case 3545. *Re* city of Ottawa and county of Carleton, Richmond Road viaduct. Appeal by county of Carleton, on question of jurisdiction. Appeal dismissed.

15.—File 13079. Grand Trunk Railway and Canadian Northern Ontario Railway spur, township of Scarboro. Appeal to the Supreme Court by Grand Trunk Railway Company on question of jurisdiction. Appeal dismissed.

16.—File 7529. Case 3269. Grand Trunk Railway and British American Oil Company, oil rate. Appeal to the Supreme Court by Grand Trunk Railway Company on question of law. Stands for judgment.

17.—File 1519. Grand Trunk Pacific Railway and Fort William *re* location. Appeal by Grand Trunk Pacific to the Supreme Court of Canada, on question of jurisdiction. Stands for judgment.

18.—File 11965. Niagara, St. Catharines and Toronto railway and Davy. Appeal to the Supreme Court by the Niagara, St. Catharines and Toronto Railway Company on question of jurisdiction. Appeal allowed.

19.—File 9527. Montreal Street Railway *re* rates, Mount Royal ward. Appeal by the Montreal Park & Island Railway Company, to the Supreme Court of Canada on the question of jurisdiction. Appeal allowed.

20.—File 10912. Application of the Canadian Northern Railway Company, under section 237 of the Railway Act to cross certain streets in the city of Prince Albert, Sask., and Charles MacDonald. Not yet heard.

21.—File 16580. Clover Bar Coal Co. Ltd., and Wm. Humberstone, the Grand Trunk Pacific Railway Co., and the Clover Bar Sand and Gravel Co. Not yet heard.

22.—File 12682. Regina Rate case. Not yet heard.

23.—File 1487. Application of E. B. Chambers and W. R. G. Phair in connection with order of the Board No. 544, dated July 13, 1905, *re* C.P.R. location Molson-St. Boniface branch. Leave to appeal granted.

24.—File 17963. Application of the Grand Trunk Pacific Railway Company for leave to appeal from judgment of the Board in regard to complaint of A. E. Purcell, of Saskatoon, Sask. Appeal dismissed with costs, judgment being confined to the particular circumstances at Saskatoon.

25.—File 7529, case 3269. Application of the Canadian Pacific Railway Company for leave to appeal from judgment of the Board on question of law in regard to British American Oil Case. Appeal dismissed with costs.

26.—File 7529, Case 3269. Application of the Canadian Pacific Railway Company for leave to appeal from judgment of the Board on question of jurisdiction of the Board in regard to British American Oil case. Appeal dismissed with costs.

27.—File 15330 and 15330.1. Application of the Grand Trunk and Canadian Pacific Railway Companies for leave to appeal upon the question of jurisdiction of the Board, in regard to order dated May 16, 1911, *re* Canadian Oil Co. Appeal dismissed with costs.

28.—Application of the Grand Trunk Pacific Railway Company for leave to appeal from order No. 16701 of the Board, dated June 4, 1912, authorizing the city of Edmonton to cross with tracks and wires, etc., of its municipal owned electric street railway, the tracks of the Grand Trunk Pacific Railway Co., at Twenty-First street, Edmonton. File No. 19435.

29.—Application of the Montreal Park and Island Railway Company, and Montreal Tramways Company, for leave to appeal against order of the Board No. 17082, dated July 20, 1912, allowing the Lachine, Jacques Cartier and Maisonneuve Railway Company to expropriate lands of the Montreal, Park and Island Railway Company. File No. 14329-9.

30.—Application of the British Columbia Electric Railway Company, from order of the Board No. 17480, dated October 14, 1912, authorizing the city of Vancouver to construct Hastings, Pender, Keefer and Harris streets across the tracks of the Vancouver, Victoria and Eastern Railway and Navigation Co., in the city of Vancouver, B.C. File 20062.

List of cases appealed to the Governor in Council from February 1, 1904, to March 31, 1913.

1.—File 399, Bay of Quinte Railway crossing Canadian Pacific Railway at Tweed. Appeal to the Governor in Council by the Bay of Quinte Railway. Order of the Board set aside and former order of the Railway Committee confirmed.

2. File 1475, James Bay Railway vs. Grand Trunk Railway, crossing near Beaverton. James Bay Railway Company appeal to the Governor in Council. Appeal dismissed.

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- 3.—File 1780. *Re* Chatham street crossings, Grand Trunk Railway Company. Appeal by Grand Trunk Railway to the Governor in Council. Appeal dismissed.
- 4.—File 12992. *Re* Maniwaki branch of C.P.R. starting of trains from Ottawa.
- 5.—File 2030. *Re* Tariffs of certain Yukon railways. (This was not included in the report.)
- 6.—File 12912. Park Avenue subway, town of St. Louis, Montreal and Canadian Pacific Railway.
- 7.—File 3452.30. Application of J. V. Rochester *re* Cameron Bay and Grand Trunk Pacific Railway Company.
- 8.—File 17040. Lambton to Weston spur and Canadian Pacific Railway Company.
- 9.—17716. Canadian Pacific Railway Company spur (Longue Pointe), through town of Maisonneuve.
- 10.—Files 18849, 18787. South Hazelton townsite and Grand Trunk Pacific Railway Company.
- 11.—File 3322. Toronto Viaduct case.

APPENDIX "L"

General Order No. 95.

Upon the hearing of the matter at the sittings of the Board held in the city of Ottawa, June 18, 1912, the Grand Trunk Railway of Canada, the Canadian Pacific, the Canadian Northern, and Great Northern Railway Companies being represented by council at the hearing; and reading what has been filed on behalf of the respondent railway companies, and the report and recommendation of the chief operating officer of the Board:—

It is ordered as follows:—

Whenever a railway company subject to the jurisdiction of the Board, issues an embargo against any traffic, it shall, within forty-eight hours thereafter, file with the Board a copy of such embargo, with a statement of the conditions rendering such embargo necessary, the action required to remove such conditions, and the probable time such embargo will be continued. And when such embargo is withdrawn or cancelled the company shall forthwith file with the Board a copy of such withdrawal or cancellation.

D'ARCY SCOTT,
Assistant Chief Commissioner.

November 2nd, 1912.

General Order No. 96.

In the matter of the specifications for highway crossing signals.

In pursuance of the powers vested in it under sections 30 and 237 of the Railway Act, and of all other powers possessed by the Board in that behalf; upon the report of the chief engineer of the Board, and upon reading the comments of the representatives of railways and supply companies interested in the erection and maintenance of highway crossing signals.

It is ordered:—

1. That until further notice the specifications for signals at highway crossings are and shall be as follows:—

Post.—The signal must be placed upon a post of suitable structural material. If the post is made of wood, it must be of sound timber not less than 8 by 8 inches and 18 feet long, and shall be firmly set in the ground to a depth of 4 feet. If it is made of iron or steel, it shall be not less than 4 inches in diameter, shall extend at least 12 feet above the ground, and shall be firmly bolted to a concrete or other foundation constructed below the frost line.

Bell.—A bell which shall emit a clear, loud volume of sound under all weather conditions must be used.

Sign.—A sign shall be placed upon the same post as the bell, with the word "danger" upon it in letters not less than 6 inches in length, to be illuminated, so as to be plainly visible after sunset. There may be added to the post, if so desired, the railway crossing sign provided for by section 243 of the Railway Act.

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Operation.—The bell and the illumination of the sign shall be controlled and operated automatically by the approach of trains, in such manner that only approaching trains shall operate the signal.

2. That any order of the Board providing for the installation of a highway crossing signal and referring to "Standard specifications for highway crossing signals" be deemed as intended to be a reference to the specifications herein approved and adopted.

3. That the said "Standard specifications for highway crossing signals" come into force the day of the date of this order, and apply to all highway crossing signals hereafter installed.

4. That the general order of the Board No. 12915, dated February 7, 1911, approving specifications for the installation of electric bell signals at highway crossings be, and it is hereby, rescinded.

D'ARCY SCOTT,
Assistant Chief Commissioner.

November 11, 1912.

File 1700.29.

General Order No. 97.

In the matter of the application of the Canadian Pacific Railway Company, the Grand Trunk Railway Company, the Canadian Northern Railway Company, and the Michigan Central Railroad Company, on behalf of themselves and of other railway companies subject to the jurisdiction of the Board, for permission to increase temporary the toll for car detention by shippers or consignees, with the object of minimizing the misuse of freight cars for storage purposes, and alleviating the car shortage and congestion of traffic.

Upon the hearing of the application at the sitting of the Board held in the city of Ottawa on the 27th November, 1912, counsel and representatives appearing for the applicant railway companies, the Canadian Manufacturers' Association, the Montreal and Toronto Boards of Trade, the Montreal Corn Exchange, the Dominion Millers' Association, the Canadian Lumbermen's Association, and others—

It is ordered that, on the publication and filing of tariffs therefor, and for the period commencing the fifteenth day of December, 1912, and terminating the thirty-first day of March, 1913, both inclusive, the said applicant companies be, and they are hereby permitted to increase the car service or demurrage toll prescribed by the order of the Board No. 906, dated the 25th day of January, 1906, from one dollar a day to two dollars a day for the first twenty-four hours, or any part thereof, and to three dollars a day for each succeeding twenty-four hours, or any part thereof, for delay beyond the free time allowed by the said order for loading or unloading cars; provided that this order shall not apply to cars held in transit at stop-over points under published tariffs filed with the Board.

D'ARCY SCOTT,
Assistant Chief Commissioner.

November 30, 1912.

Application of railway companies for order permitting a temporary increase of demurrage charges.

Heard at Ottawa, November 27, 1912.

Assistant Chief Commissioner:

The railway companies under the jurisdiction of the Board apply for a temporary increase of the demurrage charges permitted under the Canadian Car Service Rules,

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from \$1 per day beyond the free time, to \$2 for the first twenty-four hours, \$3 for the second twenty-four hours, and \$4 for the third and succeeding twenty-four hours, of car detention after the free time allowed by the rules.

It cannot be denied that a car shortage equal to, if not greater than, that of last year is imminent; and unless some steps are taken to secure an adequate supply of cars, traffic will be seriously handicapped during the approaching winter and spring until the opening of navigation. Evidence was submitted to the Board by the applicants showing an unreasonable detention of a large number of cars at many of the principal traffic centres of the country. It is urged by the railway companies that the unnecessary detention of cars by shippers and consignees not only handicaps the railway companies by depriving them of cars which would otherwise be available for traffic, but also causes congestion by blocking team tracks and private sidings in terminals. It is also contended that at least 50 per cent of what is called railway detentions, that is, the unnecessary holding of cars in terminals by the railway companies, is due to the blocking of these terminals by the unnecessary detention of cars by shippers and consignees.

The Board is fully alive to the very unsatisfactory methods adopted by some of the railway companies for the handling of freight traffic. It has had its expert officials examine and report on the terminal and transportation facilities of the railway companies for some time. It has had the railway companies and the representatives of the shippers before it, and has discussed with the former the necessity for increasing the facilities and rolling stock of the railways, in order to overcome the unsatisfactory condition of affairs; and the railway companies are, undoubtedly, making an honest effort to relieve the congested condition of freight traffic, by increasing their facilities in the way of enlarging their yards, double-tracking, providing more cars, and adding to their motive power.

We are all thankful to realize that the traffic of the country is increasing at a far greater rate than was anticipated but a few years ago.

I believe there is much yet for the railways to do to equip themselves to handle the business of the country properly; but, as I have said before, I am satisfied that they are making an honest effort to do so, and they now ask, in a time of congestion of traffic, that those whose merchandise they carry do what they can to assist by loading and unloading cars as promptly as possible, in order that they may be available for the use of shippers.

The practice of consignees holding cars and using them for storage or warehouse purposes undoubtedly exists. In many cases it is cheaper for a consignee to pay \$1 a day demurrage and use the car as a warehouse, than to unload the car promptly and store his goods in some other place. Many merchants and traders whose business has materially increased within the last few years, have not sufficient shed capacity to take care of their goods.

The applicants, in order to induce prompt release of cars, ask that the demurrage charges be so increased that, because of the expense of holding a car beyond the free time, shippers and consignees will be prompted to load and unload cars with the utmost despatch.

The object of Car Service Rules is not to supply revenue for the railway companies, but to insure prompt release of cars that they may be available for other shippers. The \$1 for each twenty-four hours' detention over the free time is apparently not a sufficient inducement to secure the prompt release of cars in many cases; and I am of the opinion that temporarily, during the present shortage of cars, the demurrage charge should be so increased as to insure the prompt release of cars in all cases.

When a congestion occurred some time ago on the Ontario Government Railway (T. & N. O.) the demurrage charge imposed by the Government was increased from \$1 to \$3; and, from the uncontroverted evidence submitted to the Board, it proved

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to be beneficial in securing a more prompt release of cars. The Pacific Car Service Bureau, having jurisdiction in the State of California, made a protracted experiment by increasing demurrage charges gradually from \$1 to \$6 per day over the free time; and it has recently fixed the rate at \$3 per day as being the most satisfactory amount.

Being of the opinion that the railway companies have made out a good case for a temporary increase of demurrage charges, I have come to the conclusion, bearing in mind the facts above stated, that the increase should not exceed a maximum of \$3; I would increase the charge to \$2 for the first twenty-four hours, and \$3 for each subsequent twenty-four hours, beyond the free time as provided in our Car Service Rules.

The railway companies are on record as stating that if they get this temporary increase, which I think should be granted, there will be very little congestion, and few, if any, delays in the placing of cars. It will now be incumbent upon them to carry out their undertaking. This temporary increase in demurrage charges may be taken as a substantial contribution by the shipping public towards the relief of the difficulties, and it will be for the railway companies to do the rest. Unless greater effort is made by the railway companies, with the view of more prompt transportation and handling of traffic, I do not believe that the increase in the demurrage charges will make any substantial difference.

There is almost a unanimity of opinion among the shipping public that they would cheerfully consent to the increase in demurrage charges if a measure of reciprocal demurrage was made effective at the same time; that is, if the railway companies would pay a per diem allowance to the shipper, or consignee, for unreasonable delays in the delivery of cars on the part of railway companies. That is a matter with which we cannot deal in this application. It was brought to the attention of the Board at a sitting in Winnipeg, in July last, and is, I believe, now being considered by the Chief Commissioner and Mr. Commissioner McLean on their present western trip; and it cannot be disposed of without hearing in the East, where a number of shippers desire to be heard on the subject. In disposing of the question of reciprocal demurrage, the Board will, of course, consider what, if any, effect this temporary increase in the demurrage charges may have upon that question; but I see no reason why the present application should be delayed on that account.

I therefore think an order should go granting a temporary increase in the demurrage charges as mentioned above, to become effective on the 15th December next, and continue until the 1st April next; when, unless otherwise ordered by the Board, the old charge of \$1 per day will be restored. I have made the effective date December 15, so as to give the shippers and consignees two weeks' notice.

It was pointed out to us at the hearing yesterday that the charges permitted for stop-over privileges at Cartier and other points throughout Canada were based upon the present demurrage charges; and that, unless otherwise ordered by the Board, an increase in demurrage charges might result in an increase of stop-over charges. There should be no increase in stop-over charges; and provisions to that effect should be incorporated in the order.

D'ARCY SCOTT,

Assistant Chief Commissioner.

OTTAWA, November 28, 1912.

General Order No. 98.

Upon the hearing of certain of the applications at the sittings of the Board held at Ottawa on July 3, 1912, and at Toronto on September 28, 1912, in the presence of counsel for and representatives of the applicants and the railway companies, and what was alleged; and upon the report and recommendation of the chief traffic officer of the Board.

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It is ordered that, until further ordered by the Board, upon the receipt of reasonable notice from the shipper, or shippers, that such is or are required, railway companies, subject to the jurisdiction of the Board, operating in Eastern Canada, which own refrigerator cars, and according to their respective powers, furnish to any shipper, or combination of shippers, a heated refrigerator car or cars, for the carriage, during cold weather, of fruit, vegetables and eggs, in less than carload quantities, the same to be carted by the shipper, and loaded in the car by the shipper, or shippers, in the order in which the shipments are to be unloaded: Provided that under this order the carrier be not required—

(a) To accept shipments necessitating more than five openings of any such car for unloading purposes.

(b) To furnish heated cars for transshipments from the original car for destinations off the route of the said car.

(c) To accept less than a total weight of 12,000 pounds in any such car, or a less aggregate amount in freight charges than for 12,000 pounds distributed pro rata over the various shipments in any car.

(d) To accept such shipments unless the freight charges are prepaid.

(e) To assume liability for loss or damage to the property by frost: (1) while in the car, if caused by the opening of the car for loading or unloading purposes; or (2) after it has been unloaded from the car.

D'ARCY SCOTT,

Assistant Chief Commissioner.

December 6, 1912.

General Order No. 99.

Upon the hearing of the matter at the adjourned sittings of the Board held in Ottawa, December 17, 1912, in the presence of counsel for and representatives of a majority of the railway companies interested; counsel for and the representatives of the Hendrie Cartage Company; and the representatives of the Canadian Manufacturers' Association, the Boards of Trade of Montreal and Toronto, and the Ontario Wholesale Grocers' Guild; the evidence adduced, and what was alleged; and the reading of what has been filed—

It is ordered that the special tariffs of the railway companies, the effective dates of which were postponed to and including the 31st day of December, 1912, by the orders of the Board Nos. 17911, 18088 and 18153, dated respectively the 6th, 21st, and 30th days of November, 1912, be, and they are hereby, disallowed; and that, in lieu thereof the railway (or railroad) companies may publish and file, and make effective on statutory notice, special tariffs of tolls chargeable for cartage at those points in Eastern Canada where cartage services are rendered by the said companies, or their agents, which shall not exceed two and one-half cents per 100 pounds; provided that a minimum toll may be charged and collected for the cartage of any single complete shipment; which minimum toll shall not exceed 15 cents.

D'ARCY SCOTT,

Assistant Chief Commissioner.

December 18, 1912.

General Order No. 100. File 1717.—Part 2.

REGULATIONS FOR THE TRANSPORTATION OF EXPLOSIVES.

In the matter of the application of the Canadian Freight Association, on behalf of the railway companies operating in Canada, for the approval of the 'Regulations for the Transportation of Explosives.'

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Upon its appearing to the Board that the general public safety demands that the receiving, forwarding, and delivering of explosives by railway companies be protected by special regulations; that it is desirable that such regulations, so far as possible, be uniform with respect to shipments from a foreign country into or through Canada, or from Canada to a foreign country as well as within Canada; and that the regulations submitted for approval are the same as those adopted by the Interstate Commerce Commission, revised and modified to conform to the provisions of the Railway Act and the requirements in Canada; and in pursuance of the powers conferred upon it by sections 26, 30, 286 and 287 of the Railway Act, and of all other powers possessed by the Board in that behalf—

It is ordered:

That the said regulations, attached hereto, marked 'A,' certified by the Chief Commissioner of the Board, be and they are hereby prescribed for the observance of railway companies within the legislative authority of the Parliament of Canada which accept explosives for carriage; that the said regulations come into force the first day of March, 1913; and that upon and after the said first day of March, 1913, the order of the Board No. 7881, dated August 27, 1909, be rescinded.

H. L. DRAYTON,
Chief Commissioner.

January 16, 1913.

'A.'

GENERAL RULES.

A. Unless specifically authorized by these regulations, explosives must not be packed in the same outside package with each other or with other articles. Explosives, when offered for shipment by rail, must be in proper condition for transportation and must be packed, marked, loaded, stowed and handled while in transit in accordance with these regulations. All packages in less than carload shipments must also be plainly marked on the outer covering or boxing (outside package) with the name and address of consignee. Empty boxes previously used for high explosives are dangerous and must not be again used for shipments of any character. Empty boxes which have been used for the shipment of other explosives than high explosives must have the old marks thoroughly removed before being used for the shipment of other articles. Empty metal kegs which have been used for the shipment of black powder which was not contained in an interior package must not be again used for shipment of any explosive.

To enable the carrier to provide proper cars at stations where less than carload shipments of the dangerous explosives named in paragraph 1661 are offered for loading by the carrier, the shipper must give to the carrier not less than 24 hours' notice of his intention to offer such shipments, and state their destinations.

B. Explosives, except such as are forbidden (see pars. 1501 and 1531 to 1536) may be received for transportation, provided the following regulations are complied with, and provided their method of manufacture and packing, so far as it affects safe transportation, is open to inspection by a duly authorized representative of the initial carrier, or of the Bureau of the Safe Transportation of Explosives and other Dangerous Articles of the American Railway Association (hereinafter called the Bureau of Explosives) if he be so designated by the Canadian carrier. Shipments of explosives that do not comply with these regulations must not be received. Shipments offered by the Dominion Government may be packed, including limitations of weight, as required by its regulations.

C. Before any shipment of explosives destined to a point beyond the lines of the initial carrier is accepted from the shipper, the initial carrier must ascertain that the

shipment can go forward via the route designated, and that delivery can be made at destination. To avoid unnecessary delays, arrangements must be made to furnish this information promptly to the initial carrier. Shipments offered by connecting lines must conform to these regulations.

D. Consignee of explosives must remove the same from the carriers' property within 48 hours after notice of arrival. (See par. 1672.)

TESTS FOR STRENGTH OF PACKAGE.

E. When inexplusive material of equal weight is substituted (fine and dry sand for a granular explosive, dummy cartridges for high-explosive cartridges) and the outside package is dropped two times successively on its end to solid brick or concrete from a height of four feet, the outside package must not open or rupture, nor must any portion of the contents escape therefrom.

F. In addition to standing the test in general rule *E*, the design and construction of packages must be such as to prevent the occurrence in individual packages of defects that permit leakage of their contents under the ordinary conditions incident to transportation, and must be constructed in accordance with any specifications applicable and approved by the Board of Railway Commissioners. The results of experience gained by an examination of packages on arrival at destination must be recorded by a duly authorized representative of the terminal carrier, or by the Bureau of Explosives, to the end that further use of any particular kind of package, shown by experience to be inefficient, may be prohibited by the Board, even if it should stand the drop test prescribed by general rule *E*.

G. Violations of these regulations, and accidents or explosions occurring in connection with the transportation or storage on railway property of explosives, must be reported by the carrier to the chief inspector, Bureau of Explosives, 30 Vesey street, New York city, and to the secretary of the Board of Railway Commissioners.

Serious violations discovered in cars containing explosives (such as defective packing, improper staving, rough treatment of car, broken packages, etc.), with a statement of apparent cause, must be thus reported without delay. Clerical and routine errors should be noted and reported periodically to the chief inspector, Bureau of Explosives.

All violations must be corrected before forwarding the car.

GROUPING.

II. For transportation purposes, explosives are divided into the following groups:—

1. Forbidden explosives.
2. Black powder.
3. High explosives.
4. Smokeless powders.
5. Fulminates.
6. Ammunition.
7. Fireworks.

SECTION 1.—INFORMATION AND DEFINITIONS.

Group 1.—Forbidden Explosives. (See paragraphs 1531 to 1536).

1501. The following are forbidden explosives:

(a) Liquid nitroglycerine.

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(b) Dynamite containing over 60 per cent of nitroglycerine (except gelatine dynamite.)

(c) Dynamite having an unsatisfactory absorbent, or one that permits leakage of nitroglycerine under any conditions liable to exist during transportation or storage.

(d) Nitro-cellulose in a dry condition, in quantity greater than ten (10) pounds in one exterior package. (See pars. 1555 to 1559).

(e) Fulminate of mercury in bulk in a dry condition, and fulminates of all other metals in any condition, except as a component of manufactured articles, whose transportation is not forbidden herein.

(f) Fireworks, that combine an explosive and a detonator or blasting cap. (See pars. 1515 and 1644.)

(g) Fireworks that ignite spontaneously when subjected for 48 consecutive hours in the presence of moisture to the temperature of boiling water.

(h) Firecrackers whose dimensions exceed 5 inches in length or three-quarters of an inch in diameter, or whose explosive charges exceed 45 grains each in weight.

(i) Toy torpedoes or caps exceeding $1\frac{1}{2}$ inches in diameter, or containing more than an average of thirty-five hundredths of a grain of explosive composition per cap.

(j) Fireworks that can be exploded "en masse" by a commercial detonator placed in one of the units, or by the impact of a rifle bullet or otherwise.

(k) Fireworks containing a match tip or head, or similar igniting point or surface, unless each individual tip, head, or similar igniting point or surface is entirely covered and securely protected from accidental contact or friction with any other surface.

1. Such articles may be shipped when packed, marked, and certified in accordance with these regulations and offered for shipment as high explosives.

Group 2.—Black Powder.—(See paragraphs 1541 to 1545).

1502. Black powder embraces all explosives having a composition similar to that of ordinary gunpowder, such as carbonaceous material, sulphur, and a nitrate of sodium or potassium. This group includes rifle, sporting, blasting, cannon and the prismatic powders.

Group 3.—High Explosives.—(See paragraphs 1551 to 1560).

1503. High explosives are all explosives more powerful than ordinary black powder, except smokeless powders and fulminates. Their distinguishing characteristics is their susceptibility to detonation by a commercial detonator or blasting cap. Many high explosives are sensitive to percussion and to friction. Examples of high explosives are the dynamites, picric acid, picrates, chlorate powders and nitrate of ammonia powders.

Group 4.—Smokeless Powders.—(See paragraphs 1571 to 1579).

1504. Smokeless powders are those explosives from which there is little or no smoke when fired. The group consists of smokeless powder for cannon, and smokeless powder for small arms. Smokeless powder for cannon used in the United States at the present time consists of a nitro-cellulose colloid, and is safe to handle and transport. Smokeless powders for small-arms may consist of nitro-cellulose, nitro-cellulose combined with nitro-glycerine, picrate mixtures, or chlorate mixtures.

Group 5.—Fulminate.—(See paragraphs 1591 to 1593.)

1505. This includes fulminate of mercury in bulk form—that is, not made up into percussion caps, detonators, blasting caps, or exploders.

Group 6.—Ammunition.—(See Paragraphs 1601 to 1622.)

1506. Small-arms ammunition (such as is used in sporting or fowling pieces, or in rifle, pistol practice, etc.), consists usually of a paper or metallic shell, the primer and the powder charge, with or without shot or bullet, the materials necessary for one firing being all in one piece.

1507. Ammunition for cannon embraces all fixed or separate loading ammunition packed in a single package in which the projectile weighs one pound or over, and is usually transported only for Government use. When the component parts are packed in separate outside packages, such packages will be shipped as smokeless powder for cannon, explosive projectiles, empty (including solid) projectiles, primers or fuses. Igniters composed of black powder may be attached to packages in shipments of smokeless powder.

1508. Explosive projectiles, or loaded shells for use in cannon, are not liable to be exploded except by fire of considerable intensity, and the flying fragments would then be very dangerous.

1509. Detonators is the technical name for articles such as blasting caps, the use of which is to cause explosions of a high order, or “detonations.” This means the instantaneous conversion of the entire explosive into gas, instead of the gradual conversion known as “combustion.” Dynamite “detonates” and smokeless powder for cannon “burns.”

1510. Blasting caps contain from 5 to 50 grains of dry fulminate of mercury, or a similar substance, packed in a thin copper cup and fired by a slow-burning safety fuse. When a small “bridge” of fine wire is embedded in the fulminate, held by a sulphur cast, and arranged to fire the fulminate by heating the bridge by means of an electric current, the cap is called an “electric blasting cap.”

1511. Detonating fuses are used to detonate the high explosive bursting charges of projectiles or torpedoes. In addition to a powerful detonator they may contain several ounces of a high explosive, such as picric acid, or dry nitro-cellulose, all assembled in a heavy steel envelope, the flying fragments of which, in case of explosion, would be very dangerous. From their careful design, manufacture, and packing, detonating fuses are not liable to be exploded in transportation except by fire of considerable intensity.

1512. Primers, percussion and time fuses are devices used to ignite the black powder bursting charges of projectiles, or the powder charges of ammunition. For small-arms ammunition the primers are usually called “small-arm” primers, or “percussion caps.” Percussion tracer fuses consist of a device which is attached to a projectile, and contains a slow-burning composition to show the flight of projectiles at night.

Group 7.—Fireworks.—(See paragraphs 1641 to 1647).

1513. Fireworks include everything that is designed and manufactured primarily for the purpose of producing a visible or an audible pyrotechnic effect by combustion or by explosion. They consist of common fireworks and special fireworks. (See par. 1501 (j) and footnote.)

1514. Common fireworks include all that depend principally upon nitrates to support combustion and not upon chlorates; that contain no phosphorus and no high explosive, sensitive to shock and friction; that produce their effect through colour display rather than by loud noises. If noise is the principal object, the units must be small and of such nature and manufacture that they will explode separately and

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harmlessly, if at all, when one unit is ignited in a packing case. They must not be designed for ignition by shock or friction. Examples are Chinese firecrackers, Roman candles, pin wheels, coloured fires, rockets, serpents, railway fuses, flash powders, etc.

1515. Special fireworks include all that contain any quantity of phosphorus, a fulminate or other high explosive sensitive to shock or friction, or that contain units of such size that the explosion of one while being handled would produce a serious injury, or that require a special appliance or tool, mortar, holder, etc., for their safe use, or that are designed for ignition by shock or friction. Examples are giant firecrackers, bombs and salutes, not high explosives, top torpedoes and caps, ammunition pellets fired in a special holder, railway torpedoes, etc.

SECTION II.—CONDITIONS OF ACCEPTANCE AND SHIPMENT OF PACKAGES.

Group 1.—Forbidden and Condemned Explosives.

1531. Forbidden explosives, as defined in paragraph 1501, and explosives condemned by the Bureau of Explosives (except properly repacked samples for laboratory examination) must not be shipped. Samples of any new explosive must be examined and approved as safe for transportation by the Bureau of Explosives before shipments (except samples for this examination not exceeding 5 pounds net in weight) can be accepted. For this purpose a new explosive is defined to be the product of a new factory, or an explosive of an essentially new composition made by an old factory.

1532. Leaking or damaged packages of explosives must not be shipped. Should any package of high explosives when offered for shipment show excessive dampness, or be mouldy, or show outward signs of any oily stain, or other indication that absorption of the liquid part of the explosive is not perfect, or that the amount of the liquid part is greater than the absorbent can carry, the packages must be refused in every instance. The shipper must substantiate every claim that a stain is due to accidental contact with grease, oil, or similar substance. In case of doubt the package must be rejected. A shipment of leaking dynamite is liable to cause a disaster in spite of careful handling; and storage, especially in warm and damp magazines, tends to cause leakage. Carriers must, for these reasons, examine with more than usual care all packages that have been stored or are offered for shipment during the summer months.

Repacking of Dynamite.

1533. Condemned dynamite must not be repacked and shipped unless the repacking is done by a competent person in the presence and with the consent of an inspector, or with the written authority of the chief inspector of the Bureau of Explosives.

Disposition of Injured, Condemned and Stray Packages.

1534. Packages found injured or broken in transit may be re-coopered when this is evidently practicable and not dangerous. A broken box of dynamite that cannot be re-coopered should be reinforced with stout wrapping paper and twine, placed in another strong box, and surrounded by fine, dry sawdust, or dry and clean cotton waste, or elastic wads made from dry newspaper. A ruptured can or keg should be enclosed in a grain bag of good quality, and boxed or crated. Injured packages thus protected and properly marked may be forwarded.

1535. Condemned packages of leaking dynamite should (1) be returned immediately to shipper if at point of shipment; or (2) disposed of to a dealer in dynamite or other person who is competent and willing to remove them from railway property

if leakage is discovered while in transit; or (3) removed immediately by consignee if shipment is at destination.

When disposition cannot be made as above, the leaking boxes must be packed in other boxes large enough to permit, and the leaking box must be surrounded by at least two inches of dry, fine sawdust, or dry and clean cotton waste, and be stored in station magazine, or other safe place, until arrival of the local inspector or other authorized person to superintend the destruction of the condemned material.

1536. When name and address of consignee are known, an astray shipment must be forwarded to its destination by the most practicable route, provided a careful inspection shows the packages to be in proper condition for safe transportation. Revenue or other way-bill must be prepared on which must be written or stamped "Astray shipment, inspected at _____ station, _____ railway, _____ 19 ____."

When a package in an astray shipment is not in proper condition for safe transportation (see paragraph 1534) or when name and address of consignee are unknown, disposition will be made as prescribed by paragraph 1535.

Group 2.—Black Powder.

1541. *Packing.*—Packages containing less than $12\frac{1}{2}$ pounds of rifle, sporting, blasting or cannon powders must be inclosed in a tight box, with the filling holes of the packages up, and the boxes must be marked on top, as prescribed by paragraph 1544.

1542. Twelve and one-half pounds, or over, of black powder must be packed in packages that comply with general rules E and F. Kegs less than 9 inches long must be boxed, as prescribed by paragraph 1541.

1543. *Weight.*—Packages must not weigh over 150 pounds gross.

1544. *Marking.*—Each outside package must be plainly marked, stamped, or stencilled to show the kind: "BLACK," and the use, "BLASTING," "RIFLE," "CANNON," "MORTAR," etc., as, "BLACK BLASTING POWDER," "BLACK RIFLE POWDER," etc. Additional marks, trade names, etc., may appear if desired by shipper.

1545. *Car.*—A car containing shipments of black powder in any quantity must be certified and placarded as prescribed by paragraphs 1661 and 1666.

Group 3.—High Explosives.

1551. High explosives consisting of a liquid mixed with an absorbent material must have the absorbent (wood pulp or similar material) in sufficient quantity and of satisfactory quality, properly dried at the time of mixing; nitrate of soda must be dried at the time of mixing to less than one per cent of moisture; and the ingredients must be uniformly mixed so that the liquid will remain thoroughly absorbed under the most unfavourable conditions incident to transportation.

1552. Explosives containing nitroglycerine must have uniformity mixed with the absorbent material a satisfactory antacid, which must be in quantity sufficient to have the acid neutralizing power of an amount of magnesium carbonate equal to 1 per cent of the nitroglycerine.

1553. *Packing.*—High explosives containing more than 10 per cent of nitroglycerine must be made into cartridges not exceeding 4 inches in diameter or 8 inches in length (does not apply to gelatine dynamite) and must not be packed in bags or sacks. Bags or sacks of high explosives containing not more than 10 per cent of nitroglycerine, and not over 12 $\frac{1}{2}$ pounds each of explosive must be shipped as cartridges, but these bags must be strong and must be placed in a box with filling ends up. The covering of all cartridges consisting of paper or other material must be strong, and so treated that it will not absorb the liquid constituent of the explosive.

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1554. All boxes in which cartridges containing nitroglycerine are packed must be lined with a suitable material that is impervious to liquid nitroglycerine. Card-board cartons, closed at the bottom, and made of strong and flexible material that is impervious to nitroglycerine form a satisfactory lining. At least one-quarter of an inch of dry sawdust or similar material must be spread over the bottom of the box before inserting the cartridges, and all the vacant space in the top must be filled with this material. The cartridges, except the bags or sacks authorized in paragraph 1553, must be so arranged in the boxes that when they are transported with the boxes top side up, all cartridges will lie on their sides and never on their ends.

1555. Inside packages containing not more than one pound each of dry nitro-cellulose, wrapped in strong paraffined paper or other suitable spark-proof material, will be accepted for shipment if securely packed in an outside package that complies with requirements of paragraph 1557, and is marked as prescribed in paragraph 1559. Outside packages must not contain more than 10 pounds of dry nitro-cellulose.

1556. High explosives containing no explosive liquid ingredient, and not having, with their normal percentage of moisture, a sensitiveness to percussion greater than measured by the blow delivered by an 8-pound weight dropping from a height of 5 inches on a compressed pellet of the explosive three-hundredth of an inch in thickness and two-tenths of an inch in diameter held rigidly between hard steel surfaces, as in the standard impact-testing apparatus of the Bureau of Explosives, may be shipped when securely packed in bulk. Wooden boxes and kegs must be provided with suitable linings to prevent leakage. These explosives may also be packed in cartridges, and must be so packed when their sensitiveness is greater than the above limit. When the addition of not less than 20 per cent of water to any such explosive will make it non-explosive, according to tests made by the Bureau of Explosives, the wet material may be shipped and handled in transit as prescribed by regulations for the transportation of dangerous articles other than explosives, by freight.

1557. Boxes containing any high explosives, and having a gross weight not exceeding 75 pounds, must be made of sound lumber, free from holes or loose knots, and when made with lock corners must not be less than one-half inch in thickness. When nailed boxes are used the ends must not be less than one-inch thick. (The limits for thickness refer to the finished box, and not to the undressed lumber).

Packages containing any high explosive must also fulfil the requirements of general rules E. and F.

1558. *Weights*.—High explosives containing an explosive liquid ingredient must not exceed 75 pounds gross weight, in one outside package.

High explosives containing no liquid explosive ingredient, as defined in paragraph 1556, must not exceed 125 pounds, gross weight, in one outside package.

The gross weight of an outside package containing dry nitro-cellulose, packed as prescribed in paragraph 1555, must not exceed 35 pounds.

1559. *Marking*.—Boxes must be plainly marked on top and on one side or end, and kegs must be marked on one end, "high explosive—dangerous" in letters not less than seven-sixteenths of an inch in height. The top of boxes must be marked "this side up."

1560. *Car*.—For shipments of high explosives in any quantity the car must be certified and placarded as prescribed by paragraphs 1661 and 1666.

Group 4.—Smokeless powders—Smokeless powder for cannon.

1571. *Packing*.—Smokeless powder for cannon must be packed in tight boxes free from loose knots and cracks, in barrels, or in kegs, that comply with the general rules E and F. Smokeless powder for cannon may be packed in water in strong barrels of the type used for alcohol.

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1572. *Weight*.—Packages must not weigh over 165 pounds gross, unless packed in water.

1573. *Marking*.—Each package must be plainly marked on top “smokeless powder for cannon.”

1574. *Car*.—Smokeless powder for cannon may be shipped in any box car in good condition. The car must be placarded “inflammable,” as prescribed by paragraph 1663.

Smokeless powder for small-arms.

1575. *Packing*.—Packages of less than 9 pounds of smokeless powder for small-arms must be inclosed in a tight box so that the filling hole of each inside package will be up, and the box must be marked on top as prescribed by paragraph 1578.

1576. Quantities of 9 pounds or over must be placed in packages that comply with general rules E and F. Kegs less than 9 inches long must be boxed as prescribed by paragraph 1541.

1577. *Weight*.—Packages must not weigh over 150 pounds gross.

1578. *Marking*.—Each outside package must be plainly marked on top “smokeless powder for small-arms.”

1579. *Car*.—Shipments of smokeless powder for small-arms in any quantity, require a car to be certified and placarded as prescribed by paragraphs 1661 and 1666.

Group 5.—Fulminate.

1591. *Packing*.—Fulminate of mercury in bulk must contain, when packed, not less than 25 per cent of water, and must, in this wet condition, be placed in a bag made of heavy cotton cloth of close mesh equal in quality and weight to the cotton twill used for pockets in high-grade clothing. There must be placed inside the bag, and over the fulminate, a cap of the same cloth and of the diameter of the bag, and the bag must be tied securely and placed in a strong grain bag which must, in turn, be tied securely and packed in the centre of a cask, or barrel, in good condition, and of the kind used for shipment of alcohol. The grain bag must not contain more than 150 pounds dry weight of fulminate, and it must be surrounded on all sides by tightly packed sawdust not less than 6 inches thick. The cask or barrel must be lined with a heavy close-fitting jute bag closed by a secure sewing to prevent escape of sawdust. After the barrel is properly coopered it must be filled with water and the bung sealed. The barrel must be inspected carefully and all leaks stopped.

1592. *Marking*.—Each cask or barrel must be plainly marked ‘wet fulminate of mercury—dangerous.’

1593. *Car*.—A car containing fulminate in any quantity must be certified and placarded as prescribed by paragraphs 1661 and 1666.

Group 6.—Ammunition—Small-arms Ammunition.

1601. *Packing*.—Small-arms ammunition must be packed in pasteboard or other boxes, and these boxes must be packed in strong outside boxes.

Small-arms ammunition in pasteboard or other boxes and in quantity not exceeding a gross weight of 75 pounds, may be packed with non-explosive and non-inflammable articles, and with small-arms primers or percussion caps (see par. 1619), provided the outside package is marked as prescribed in paragraph 1602.

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1602. *Marking*.—Each outside package or case must be plainly marked 'small-arms ammunition.'

1603. *Car*.—No restrictions, other than proper packing, and marking, are necessary for the shipment of small-arms ammunition.

Ammunition for Cannon.

1604. *Packing*.—Ammunition for cannon must be well packed and properly secured in strong boxes.

1605. *Marking*.—Each outside package must be plainly marked 'ammunition for cannon with explosive projectiles' or 'ammunition for cannon with empty projectiles' or ammunition for cannon with sand-loaded projectiles,' according as the projectiles do or do not contain a bursting charge, or 'ammunition for cannon without projectiles.'

1606. *Car*.—A car containing ammunition for cannon with explosive projectiles must be certified and placarded as prescribed by paragraphs 1661 and 1666. This is not required when explosive projectiles are not included, but in this case cars must be protected by the 'inflammable' placard, as prescribed by paragraph 1663.

Explosive Projectiles.

1607. *Packing*.—Explosive projectiles must be packed in strong boxes, and each projectile must be properly secured.

1608. *Weight*.—The gross weight of a box containing more than one projectile must not exceed 160 pounds.

1609. *Marking*.—Each exterior package must be plainly marked 'explosive projectile,' 'sand-loaded projectile' or 'empty projectile.' No restrictions, other than proper marking, are necessary for the shipment of sand-loaded projectiles, or empty (including solid) projectiles.

1610. *Car*.—For explosive projectiles in any quantity the car must be certified and placarded as prescribed by paragraphs 1661 and 1666.

Blasting Caps.

1611. *Packing*.—Blasting caps contain such a sensitive and dangerous explosive that very efficient packing is necessary.

(a) Blasting caps must be packed in strong tin receptacles, in which they must fit snugly, and the caps must be closed securely by teats projecting from a plate of suitable elastic material placed inside the box and over the caps. Not more than 100 blasting caps may be packed in a single tin box. All separate tin boxes must then be packed snugly in cartons or wrappings made of paper or pasteboard.

(b.) For not more than 1,000 caps the tin boxes, in cartons or wrappings, must be packed in an outside box made of sound lumber not less than three-eighths of an inch in thickness, and they must be separated from the outside box by at least one inch of tightly packed sawdust, excelsior, or equivalent cushioning material.

(c) For not more than 5,000 caps the tin boxes, in cartons or wrappings, must be packed in an outside box of sound lumber at least one-half inch thick: and they must be separated from the outside box by at least one inch of tightly packed sawdust, excelsior, or equivalent cushioning material.

(d.) For more than 5,000 caps, the tin boxes, in cartons or wrappings, must be packed in an outside box made of sound lumber not less than three-eighths of an inch in thickness, or in a hermetically sealed metal box made of not less than 30 gauge United States standard. This inside wooden or metal box must then be packed in an outside box made of sound lumber not less than one inch in thickness. Tightly packed sawdust, excelsior, or equivalent cushioning material, at least one inch thick at all points must separate the inside box from the outside wooden box.

(e.) More than 20,000 blasting caps must not be placed in one outside package.

(f.) Five tin boxes containing not more than 100 caps in each box may be packed with safety fuse, each box to be placed in the centre of a coil of fuse, and in this case the outside box may be made of sound lumber of not less than three-eighths inch thick, and must be marked as prescribed in paragraph 1648.

(g.) Electric blasting caps must be packed in pasteboard cartons containing not more than 50 caps each. These cartons must be packed in a wooden box made of lumber not less than one-half inch in thickness.

1612. *Weight.*—The gross weight of an outside package containing blasting caps, or electric blasting caps, must not exceed 150 pounds.

1613. *Marking.*—Each outside package must be plainly marked ‘(number) Blasting Caps—Handle Carefully’ or ‘(number) Electric Blasting Caps—Handle Carefully.’ In addition each box must bear the marking ‘Do not store or load with any high explosive.’ (See also par. 1648 for marking when packed with safety fuse.)

1614. *Car.*—Certificate and placard, as prescribed by paragraphs 1661 and 1666, are required for shipments of blasting caps in any quantity, except that not more than 500 blasting caps, or 500 electric blasting caps, may be transported in a box car in good condition without car certificates or placard.

Detonating Fuses.

1615. *Packing.*—Detonating fuses must be packed in strong, tight boxes, and each fuse must be well secured.

1616. *Weight.*—The gross weight of one outside package must not exceed 150 pounds.

1617. *Marking.*—Each outside package must be plainly marked ‘Detonating Fuses—Handle Carefully.’

1618. *Car.*—A car containing detonating fuses in any quantity must be certified and placarded as prescribed by paragraphs 1661 and 1666.

Primers, Percussion and Time Fuses.

1619. *Packing.*—Primers, percussion and time fuses must be packed in strong, tight boxes, with special provision for securing individual packages of primers and fuses against movement in the box.

Small-arms primers containing anvils must be packed in cellular packages with partitions separating the layers and columns of primers, so that the explosion of a portion of the primers in the completed shipping package will not cause the explosion of all the primers.

Percussion caps may be packed in metal or other boxes containing not more than 500 caps, but the construction of the cap, and the kind and quantity of explosives in each, must be such that the explosion of a part of the caps in the completed shipping package will not cause the explosion of all of the caps.

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Small arm primers and percussion caps may form a part of the gross weight of 75 pounds of small-arms ammunition that may be packed with other articles as authorized by paragraph 1601.

1620. *Weight*.—The gross weight of one outside package must not exceed 150 pounds.

1621. *Marking*.—Each outside box must be plainly marked ‘Small-arms Primers—Handle carefully’ or ‘Percussion Caps—Handle carefully’ or ‘Cannon Primers—Handle carefully’ or ‘Combination Primers—Handle carefully’ or ‘Percussion Fuses—Handle carefully’ or ‘Combination Fuses—Handle carefully’ or ‘Percussion Tracer Fuses—Handle carefully,’ etc.

1622. No restrictions other than proper packing and marking are necessary for the shipment of primers, percussion and time fuses.

Group 7.—Fireworks—Common Fireworks.

1641. *Packing*.—Common fireworks must be in a finished state, exclusive of mere ornamentation, as supplied to the retail trade, and must be securely packed in strong, tight, spark-proof wooden boxes or barrels that comply with general rules E. and F.

1642. *Marking*.—Each outside package must be plainly marked ‘Common Fireworks—Keep fire away.’

1643. *Car*.—Common fireworks may be shipped in a box car which is in good condition (see par. 1663) but they must not be loaded in the same car with explosives. (See par. 1680).

A car containing any quantity of common fireworks must be protected by the ‘Inflammable’ placard. (See par. 1663.)

Special Fireworks.

1644. *Packing*.—Special fireworks must be in a finished state, exclusive of mere ornamentation, as supplied to the retail trade, and must not contain forbidden fireworks. (See par. 1501 (f) to (k) inclusive.) All outside boxes or barrels must be spark proof, and must comply with general rules E and F.

Lock corner boxes must be made of sound lumber, tongued and grooved, and the thickness must not be less than three-eighths inch for a gross weight of 30 pounds or under; and for a gross weight exceeding 30 pounds and not exceeding 65 pounds the ends must not be less than nine-sixteenths inch, with sides, tops and bottoms, three-eighths inch thick. When the gross weight exceeds 65 pounds the ends must be battened.

If nailed boxes are used of the same thickness of lumber specified for lock-corner boxes, horizontal and vertical cleats not less than three-fourths of the thickness of the ends, and not less than 1½ inches wide, must be used on the ends; or, in the absence of such cleats the tops, sides and bottoms must be thicker by three-sixteenths inch, and the ends thicker by one-fourth inch, than specified for lock-corner boxes.

All boxes must be tongued and grooved.

1645. *Weight*.—The gross weight of one outside package containing special fireworks must not exceed 200 pounds and the gross weight of a package containing toy torpedoes must not exceed 65 pounds.

1646. *Marking*.—Each outside package containing special fireworks, or a mixture of common and special fireworks, must be plainly marked “Special Fireworks—Handle Carefully—Keep Fire away.”

1647. *Car*—Special fireworks may be shipped in any box car which is in good condition (see par. 1663) but they must not be loaded in the same car with explosives (see par. 1680.) A car containing any quantity of special or other fireworks must be protected by the 'Inflammable' placard. (See par. 1663.)

Safety Fuse and Safety Squibs.

1648. Safety fuse and safety squibs must be packed in strong wooden boxes or barrels, properly marked, and may be loaded in any car with any other kind of an explosive or inflammable substance, or with other freight.

When blasting caps are packed with safety fuses (see par. 1611) (f), the outside package must be made of lumber not less than three-eighths inch thick, and must be marked '(number) blasting caps packed with safety fuse.' 'Do not load or store with any high explosive' as prescribed by paragraph 1613.

Section 3.—Selection and preparation of cars.

1661. The safe transportation of explosives depends very largely upon the kind and condition of the car in which they are loaded.

For the transportation of carloads or less than carload lots of—

Black powder,
High explosives,
Smokeless powder for small-arms,

Wet fulminate of mercury.

Blasting caps,
Electric blasting caps. { Excepting a shipment of not more than 500 blasting caps or 500 electric blasting caps. (See par. 1614.)

Ammunition for cannon with explosive projectiles,
Explosive projectiles, or
Detonating fuses,

only certified and placarded box cars may be used. (See par. 1662, 1665, and 1666.)

1662. Certified cars must be inspected outside and inside, and must conform to the following specifications:—

(a) Not less than 60,000 capacity. Steel underframe box cars or other box cars with friction draft gear should be used when available. On narrow-gauge and other railroads, all of whose freight cars are of less than 60,000 pounds capacity, explosives may be transported in cars of less than that capacity, provided the available cars of greatest capacity and strength are used for this purpose.

(b) Must be equipped with air brakes and hand brakes in condition for service.

(c) Must have no loose boards or cracks in the roof, sides or ends.

(d) The doors must shut so closely that no sparks can get in at the joints, and, when necessary, they must be stripped. The stripping for flush doors should be on the inside, and be nailed to the door frame, where it will form a shoulder against which the closed door is pressed. The openings under the doors should be similarly closed. When doors are not stripped the hasp fastenings must be examined with doors closed and fastened, and must be oiled when necessary to prevent door shifting.

(e) The journal boxes and trucks must be carefully examined and put in such condition as to reduce to a minimum the danger of hot boxes or other failure, necessitating the stopping of the car before reaching destination. The lids or covers of journal boxes must be in place.

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(f) The car must be carefully swept out before it is loaded. Holes in the floor or lining must be repaired and special care taken to have no projecting nails or bolts or exposed pieces of metal, which may work loose, or produce holes in packages of explosives during transit.

(g) When the car is to be fully loaded with explosives or when explosives are loaded over exposed draft bolts or kingbolts, these bolts must have short pieces of solid sound wood (2-inch plank) spiked to the floor over them to prevent possibility of their wearing into the packages of explosives.

(h) The roof of the car must be carefully inspected from the outside for decayed spots, especially under or near the running board, and such spots must be covered to prevent their holding fire from sparks. A car with a roof generally decayed, even if tight, must not be used.

(i) When explosives are to be carried in a way car,¹ one should be selected with flush doors in good condition or with doors fitting so tightly that stripping will not be necessary.

(k) The carrier must have car examined to see that it is properly prepared, and must have a 'car certificate' signed in triplicate upon the prescribed form (see par. 1665) before permitting the car to be loaded.

(l) Cars not in proper condition, as above specified, must not be furnished to the shipper or used for the transportation of explosives.

1663. (a) Carloads or less than carload lots of—

Ammunition for cannon with empty projectiles,
Ammunition for cannon with sand-loaded projectiles,
Ammunition for cannon without projectiles,
Smokeless powder for cannon, or
Fireworks,

may be loaded in any box car which is in good condition into which sparks cannot enter, and whose roof is not in danger of taking fire through unprotected decayed wood.

These cars do not require the car certificate, but must have attached to both sides and both ends the 'flammable' placard prescribed by paragraph 1698, and the doors must be stripped when necessary.

(b) Carloads or less than carload lots of:—

Small-arms ammunition,
Primers,
Percussion fuses,
Time or combination fuses,
Safety fuse and safety squibs,

may be loaded in any box car which is in good condition, without car certificate or placards.

Placarding of Cars and Certification of Contents.

1664. Uniform practice is important, and the prescribed forms of car certificates and placards must be used.

1665. *Car certificate.*—The following certificate (prescribed by par. 1662 k), printed on strong tag board, measuring 7 by 7 inches, must be duly executed in triplicate by the carrier, and by the shipper if he loads the shipment. The original must be filed by the carrier at the forwarding station on a separate file, and the other

(1.) A "way car" is one from which shipments are unloaded by the train crew.

two must be attached to the outside of the car doors, one on each side, the lower edge of the certificate $4\frac{1}{2}$ feet above the floor level.

Car Certificates.

No. 1. Station. 19....

I hereby certify that I have this day personally examined. car No. and that the roof and sides have no loose boards, holes or cracks, or unprotected decayed spots liable to hold sparks and start a fire; that the kingbolts or draft bolts are properly protected, and that there are no uncovered irons or nails projecting from the floor or sides of the car which might injure packages of explosives, also that the floor is in good condition and has this day been cleanly swept before the car was loaded: that I have examined all the axle boxes and that they are properly covered, packed and oiled, and that the car brakes and hand brakes are in condition for service.

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No. 2. Station. 19....

I hereby certify that I have this day personally examined the above car; that the floor is in good condition and has been cleanly swept, and that the roof and sides have no loose boards, holes, cracks, or unprotected decayed spots liable to hold sparks and start a fire; that the king bolts and draft bolts are protected, and that there are no uncovered irons or nails projecting from the floor or sides of the car which might injure packages of explosives; that the explosives in this car have been loaded and stayed, and that the car has been placarded according to paragraphs 1661, 1666 and 1674 to 1683 inclusive, of the Regulations for the Transportation of Explosives prescribed by the Board of Railway Commissioners for Canada; that the doors fit or have been stripped so that sparks cannot get in at the joints or bottom.

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NOTE.—Both certificates must be signed. Certificate No. 1 by the representative of the carrier. For all shipments loaded by the shipper, he or his authorized agent must sign certificate No. 2, and the representative of the carrier must certify as to loading and staying and general condition. When the car is not loaded by the shipper, certificate No. 2 must be signed only by the representative of the carrier. A shipper should decline to use a car not in proper condition.

1666. *Placard.*—Each car containing any of the explosives specified in paragraph 1661 in any quantities, excepting a shipment of not more than 500 blasting caps or 500 electric blasting caps (see par. 1614), must be protected by attaching to the outside of the car on both sides and ends, the lower edge $4\frac{1}{2}$ feet above the car floor, a **standard** placard 12 by 14 inches, on which will appear in conspicuous red and black printing on strong tag-board the following notice:—

. R. Company.
EXPLOSIVES.
(To be printed in red.)
HANDLE CAREFULLY.
KEEP FIRE AWAY.
(To be printed in red.)
. Station 19....

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Condensed Rules for Handling this Car.

1. This car must not be placed in a passenger train, nor in a mixed train.
2. Cars containing explosives must be near centre of train, and may be together if desired; and must be at least 15 cars from engine and 10 cars from caboose, when length of train will permit.
3. Cars containing explosives must not be placed next to cars bearing the inflammable or the acid placard, or cars containing lighted heaters. Whenever it is possible to avoid so doing they must not be placed next to tank cars or flat cars, or next to carloads of lumber, poles, iron pipe, or other articles liable to break through end of car from rough handling.
4. The air and hand brakes on this car must be in service.
5. In shifting, have a car between this car and engine wherever possible, and do not cut this car off while in motion.
6. Avoid all shocks to this car, and couple carefully.
7. Avoid placing it near a possible source of fire.
8. Engines on parallel track must not be allowed to stand opposite or near this car when it can be avoided.
9. This placard must be removed from car when the explosives are unloaded.

1667. A car containing any of the explosives (as prescribed in par. 1661) must not be permitted to leave a station or siding without having the certificates and placard prescribed in paragraphs 1665 and 1666 securely and properly affixed.

1668. (a) *Shipper's Certificate*.—The shipping order for any package containing an explosive named below must show each article under its proper name as specified in this paragraph, and must show in the lower left-hand corner over the signature of the shipper, or of his duly authorized agent, written or stamped (not printed) with facsimile stamp, the following certificate:

“This is to certify that the above articles are properly described by name, and are packed, marked, and are in proper condition for transportation, according to the regulations prescribed by the Board of Railway Commissioners for Canada.”

List of Shipping Names.

Black powder,
 High explosives,
 Smokeless powder for cannon,
 Smokeless powder for small-arms,
 Wet fulminate of mercury,
 Ammunition for cannon with explosive projectiles,
 Ammunition for cannon with empty projectiles,
 Ammunition for cannon with sand-loaded projectiles,
 Ammunition for cannon without projectiles,
 Explosive projectiles,
 Detonating fuses,
 (Number) blasting caps,
 (Number) blasting caps with safety fuse,
 (Number) electric blasting caps,
 Common fireworks,
 Special fireworks,

(b). *Waybilling*.—The carrier must see that the shipment is properly described on the revenue way-bill, under one of the above names, and that the correct gross weight is given.

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The revenue way-bill, card way-bill, and envelope containing revenue way-bill when used as a card way-bill, for a car containing any quantity of the explosives named in paragraph 1661, except a shipment of blasting caps or electric blasting caps not exceeding 500 caps, must have plainly stamped or plainly written across the top the word 'Explosives' in letters not less than three-eighths of an inch high.

1668. (a) If shipments of explosives named in paragraph 1661 are accepted at non-agency stations, provision must be made for the proper certification and placarding of cars, examination of shipments, and loading and stowing of packages in cars.

(b) Shipments of explosives named in paragraph 1661 must not be unloaded at non-agency stations unless the consignee is there to receive them, or unless proper storage facilities are provided at that point for their protection.

Shipments from Connecting Lines.

1670. Cars containing explosives as specified in paragraph 1661 which are offered by connecting lines must be carefully inspected, without unnecessary disturbance of lading, by the receiving line, to see that these regulations have been complied with, and the car must not be forwarded until all discovered violations are corrected. (See general rule G.)

Shipments of explosives offered by connecting lines must comply with these regulations, and the revenue way-bill, freight bill, manifest of lading, card way-bill, switching order, or other billing, must bear the indorsement prescribed by paragraph 1668.

Handling of Explosives.

1671. In handling packages of explosives at stations, and in transferring them to and from cars, the greatest care must be taken, and shocks or falls liable to injure the containing packages must be avoided. Where an inclined chute is employed, such chute must be constructed of 1-inch planed boards, with side guards 4 inches high extending 3 inches above top face of bottom of chute and throughout its length, fastened with brass screws, D-shaped strips or runners, not more than 6 inches apart and running lengthwise of chute, must be fastened to the upper surface of the bottom board by means of alce and wooden pegs extending through the bottom board and runners. Chutes must be occasionally wiped down with waste moistened with machine oil when dynamite packages are being handled.

A stuffed mattress, 4 feet wide by 6 feet long, and not less than 4 inches thick, or a heavy jute or hemp mat of like dimensions, must be placed under the discharging end of the chute.

1672. Careful men must be chosen to handle explosives; the platform and the feet of the men must be as free as possible from grit, and all possible precautions must be taken against fire. Unauthorized persons must not be allowed to have access to explosives at any time while they are in the custody of the carrier. Suitable provision must be made, outside of the station when practicable, for the safe storage of explosives, and every effort possible must be made to reduce the time of this storage. If a shipment of explosives is not removed within 48 hours after notice of arrival at destination (see general rule D) it must be disposed of by returning it to the shipper, or by storage at the expense of the owner, or by sale, or, when necessary to safety, by destruction under supervision of a competent person.

Loading in Car.

1673. Packages receive their greatest stresses in a direction parallel to the length of the car, and must be loaded so as to offer their greatest resistance in this direction. Boxes of explosives when loaded in the car must rest on their bottoms, and with the long dimension parallel to the length of the car. A car must not contain more than 50,000 pounds gross weight of explosives. This limit does not apply to shipments of ammunition.

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1675. Explosives packed in round kegs, except when boxed, must be loaded on their side with heads towards ends of the car; and they must not be placed in the space opposite the doors, unless the doorways are boarded on the inside as high as the lading.

Large casks, barrels or drums may be loaded on their sides or ends as will best suit the conditions.

1676. Packages containing any of the explosives for the transportation of which a certified and placarded car is prescribed (see par. 1661) must be stayed (blocked and braced) by the one who loads the car, to prevent change of position by the ordinary shocks incident to transportation.¹ Special cars must be used to prevent them from falling to the floor, or from having anything fall on them, or slide against them, during transit. To prevent delays to way-freight trains, when there is more than one shipment of explosives loaded in a 'peddle' or 'way car,' each shipment must be stayed separately. Forwarding and transfer stations for explosives must be provided with the necessary materials for staying.

Shippers must furnish the material for staying packages loaded by them.

1677. Detonating fuses, or blasting caps, or electric blasting caps, must not be loaded in a car or stored with high explosives of any kind, including explosive projectiles, nor with wet nitro-cellulose, nor with smokeless powder for small-arms.

1678. Fulminates in bulk must not be loaded with any explosive or inflammable article.

1679. When necessary, detonating fuses may be assembled in explosive projectiles shipped by the Dominion Government.

1680. Fireworks must not be loaded in the same car with any other explosive except small-arm ammunition, primers, percussion fuses, time or combination fuses, safety fuse, and safety squibs.

1682. Explosives covered by these regulations, other than fireworks, small-arms ammunition, primers, percussion fuses, time or combination fuses, safety fuses, or safety squibs, must not be transported in the same car with, nor stored on, railway property near any of the dangerous articles for which labels are prescribed by the regulations for the transportation of dangerous articles other than explosives by freight.

When practicable at any point, certain and separate days should be assigned for receiving from shippers less than carload lots of explosives named in paragraph 1661.

1683. In a car containing explosives all packages of other freight must be so loaded and stayed as to prevent injury to packages of explosives during transit. When it is possible, explosives should be loaded so as to avoid transfer at stations.

(1.) At stations where it is necessary to handle explosives at night it is recommended that incandescent electric lights be provided.

Handling Cars containing Explosives.

Cars containing explosives of any kind must not be hauled in any passenger or mixed train.

1684. Every possible effort must be made to expedite the movement of cars containing explosives.

1685. The phrase 'cars containing explosives' as used in this and subsequent paragraphs, excepting paragraph 1697, refers to the explosives specified in paragraph 1661.

1686. Cars containing explosives must be placed near the middle of the train, and two or more such cars may be placed together if desired. They must be at least 15 cars from the engine and 10 cars from the caboose when length of train will permit.

In local freight trains, to avoid the danger of otherwise unnecessary switching at way stations, cars containing explosives may be placed not closer than the second car from the caboose or the second car from the engine.

1687. Cars containing explosives must have air and handbrakes in service. They must not be placed next to cars bearing the inflammable or the acid placard, or cars containing lighted heaters. Whenever it is possible to avoid so doing they must not be placed next to tank cars or flat cars, or next to carloads of lumber, poles, iron, or other articles liable to break through end of car from rough handling.

1688. When handling cars containing explosives in yards or on sidings, they must, if it is practically possible, be coupled to the engine protected by a car between, and they must never be cut off while in motion.

They must be coupled carefully, and all unnecessary shocks must be avoided. Other cars must not be allowed to strike a car containing explosives. They must be so placed in yards, or on sidings, that they will be subject to as little handling as possible, and be removed from all danger of fire; and, when avoidable, engines on parallel tracks must not be allowed to stand opposite or near them.

1689. Under no circumstances must a car known to require the 'explosive' placard be taken from a station, including transfer stations, or a siding, unless it is properly carded in accordance with paragraphs 1661 and 1666; nor unless the car is in proper condition.

1690. When a car containing explosives is in a train, the carrier must make proper provision for notifying its train and engine employees of the presence and location of such car in the train before leaving the initial station.

1691. Such cars must be frequently inspected to see that the carding is intact. Whenever any of these cards become detached or lost in transit they must be replaced on arrival at the next division terminal yard.

1692. Unless otherwise arranged for, when a car containing explosives is to be transferred, unloaded or stored for any purpose, at a given junction, station or yard, the carrier must provide for due notice, by wire, to such station, of the probable time of arrival and the number of cars (not car numbers) in order that proper provision may be made at that point for handling the same.

1693. At points where trains stop, cars containing explosives and adjacent cars must be examined to see if they are in good condition, and free from hot boxes or other defects liable to cause damage. If cars containing explosives are set out short of destination for any cause the carrier must arrange that proper notice be given to prevent accident.

1694. Whenever a car containing explosives is opened for any purpose, inspection must be made of the packages of explosives to see that they are properly stowed and in good condition, and that no box of dynamite is standing on its end or side. Upon the discovery of leaking dynamite, or loose powder, the defective packages must be carefully removed to a safe place. Loose powder or other explosives must be swept up and carefully removed. If the floor is wet with nitro-glycerine, the car is unsafe to use, and a local inspector of the Bureau of Explosives should be immediately called to superintend the thorough mopping and washing of the floor with a warm, saturated solution of concentrated lye or sodium carbonate. If necessary, the car must be placed on an isolated siding and proper notice be given. (See pars. 1534 and 1535).

1695. *Removal of Placards.*—The certificates and placards prescribed in paragraphs 1665 and 1666 must be removed from the car as soon as the explosives are unloaded.

In Case of a Wreck.

1697. In case of a wreck involving a car containing explosives, the first and most important precaution is to prevent fire. Although most of the group 'High Explosives' may burn in small amounts quietly and without causing a disastrous explosion, yet everything possible must be done to keep fire away. Before beginning to clear a wreck in which a car containing explosives is involved, all unbroken packages should

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be removed to a place of safety, and as much of the broken packages as possible be gathered up and likewise removed, and the rest should be saturated with water. Many explosives are readily fired by a blow, or by a spark produced when two pieces of metal or a piece of metal and a stone come violently together. In clearing a wreck, therefore, care must be taken not to strike fire with tools, and in using the crane or locomotive to tear the wreckage in pieces the possibility of producing sparks must be considered.

With most explosives thorough wetting with water practically removes all danger of explosion by spark or blow; but with the dynamite wetting does not make them safe from blows. With all explosives, mixing with wet earth renders them safer from either fire, spark or blow. In case fulminate has been scattered by a wreck, after the wreck has been cleared the top surface of the ground should be removed, and, after saturating the area with oil, be replaced by fresh earth. If this is not done, when the ground and fulminate become dry, small explosions may occur when the mixed material is trodden on or struck.

'Inflammable' Placard.

1698. A white placard of diamond shape, printed on strong tag-board, measuring 15 inches on each diagonal, $10\frac{3}{4}$ inches on each side, and bearing in red and black letters the following inscription, 'Inflammable—keep Lights and Fires Away—Handle Carefully,' must be placed on each outside end and side of a car containing any quantity of smokeless powder for cannon, or ammunition for cannon with empty projectiles, or ammunition for cannon with sand loaded projectiles, or ammunition for cannon without projectiles or fireworks.

Exception.

Provided that explosives packed in conformity with the laws of the United Kingdom of Great Britain and Ireland relating thereto, and handled, loaded and carried by routes entirely within Canada, in accordance with the regulations hereinbefore prescribed, may be carried from the Canadian port of importation to their destination in Canada, or through Canada en route to a foreign country other than the United States of America; also from the Canadian destination aforesaid by re-shipment, or from the place of manufacture in Canada, if consigned in either case to a foreign country other than the United States of America.

General Order No. 101.

Whereas, by order of the Board No. 15819, dated January 18, 1912, all railway companies subject to the jurisdiction of the Parliament of Canada were directed forthwith to re-establish the system or systems in practice by them during the winter of 1910-11, of carrying less than carload lots in heated cars, and to grant to all shippers the rights and privileges of such shipping facilities in respect to such traffic as were in force upon their various lines during the said winter, until further order, or until the reasonableness of the withdrawal of such facilities could be passed upon by the Board;

And whereas, by general order No. 98, dated the 6th day of December, 1912, railway companies subject to the jurisdiction of the Board, operating in Eastern Canada, were required to furnish to any shipper a heated refrigerator car, or cars, for the carriage during cold weather of fruit, vegetables and eggs, in less than carload quantities, subject to certain conditions specified in the order;

And whereas the Canadian Pacific Railway Company interprets the said general order as superseding the said order No. 15819, and has discontinued the heated car service in respect of freight shipments not specifically provided for in the general order, and notwithstanding the fact that it has been notified, under the direction of

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the Board, that the intention of the said general order was not in any way to cancel or supersede the provisions of the previous order, the company refuses to carry out the terms of the said order No. 15819—

Now therefore the Board orders and declares that the said general order No. 98 shall not be taken or construed as in substitution for, or in cancellation of, the said order No. 15819, but as in addition thereto; and the Canadian Pacific Railway Company is hereby directed forthwith to comply with and carry out the terms and requirements of the said order No. 15819, dated January 18, 1912.

H. L. DRAYTON,
Chief Commissioner.

February 1, 1913.

Circular No. 94.

BOARD OF RY. COM. FOR CANADA,
OTTAWA, October 21, 1912.

File 20718.—Accidents to Employees through Riding on Pilots of Engines.

The Board has, from time to time, received returns of a number of accidents resulting in serious and sometimes fatal injuries to employees through riding on pilots of engines, and I am directed to ask that instructions be issued by railway companies subject to the jurisdiction of the Board that this practice of riding on pilots of engines, except when switching in yards, must be discontinued under penalty of being disciplined.

By order of the Board.

A. D. CARTWRIGHT,
Secretary.

Circular No. 95.

BOARD OF RY. COM. FOR CANADA,
OTTAWA, November 6, 1912.

File 9610.—Equipment of Electric Cars with Air Brakes.

I am directed to ask that all electric railway companies subject to its jurisdiction, furnish the Board with a statement showing the condition of their equipment at present so far as power brakes are concerned.

By order of the Board.

A. D. CARTWRIGHT,
Secretary.

Circular No. 96.

BOARD OF RY. COM. FOR CANADA,
OTTAWA, November 6, 1912.

Order No. 12225.—Protection of Railway Employees.

In connection with accidents and other matters reported upon by the Board's inspectors from time to time, the Board has become impressed with the apparent unfamiliarity of a number of railway employees with the requirements of order No. 12225, dated November 9, 1910, issued for the protection of such employees, and I am directed to ask that the contents of this order be made known as widely and as thoroughly as possible.

By order of the Board,

A. D. CARTWRIGHT,
Secretary.

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Circular No. 97.

BOARD OF RY. COM. FOR CANADA,

OTTAWA, November 8, 1912.

The Board's officers are of the opinion that the number of persons killed and injured in accidents due to derailments, head on and rear end collisions, would be very much reduced, if the trucks of the cars were so attached to the body that the body could not leave the truck in case of derailment, head on or rear end collision.

The Board desires your company to give this matter serious consideration, so that, when this matter is spoken to at an early sitting, a decision can be arrived at.

By order of the Board,

A. D. CARTWRIGHT,

Secretary.

Circular No. 98.

BOARD OF RY. COM. FOR CANADA,

OTTAWA, November 12, 1912.

File 20847.—Protection to Car Repairers while at Work on Repair Tracks.

The Board's attention has been called to several accidents which have recently taken place wherein car repairers have met with serious injury while working on repair tracks, and I am directed to state that all railway companies subject to the jurisdiction of the Board will at the sittings to be held in Ottawa on Tuesday, December 3, 1912, be called upon to speak to the question of providing more efficient protection to car repairers working on repair tracks, and to ask the companies to be prepared with suggestions and for a general discussion of the question, on that date.

By order of the Board,

A. D. CARTWRIGHT,

Secretary.

Supplement No. 1 to Circular No. 98.

BOARD OF RY. COM. FOR CANADA, Jan. 13, 1913.

File 20847.—Protection to Car Repairers while at work on repair tracks.

I am directed by the Board to ask that railway companies subject to the Board's jurisdiction file, within sixty days, a statement giving the name of each point at which car repairers are located, and explaining the manner in which car repair tracks at such points are now protected.

By order of the Board,

A. D. CARTWRIGHT,

Secretary.

Supplement No. 2 to Circular No. 98.

BOARD OF RY. COM. FOR CANADA,

OTTAWA, March 17, 1913.

File 20847.—Protection to Car Repairers.

DEAR SIR,—This matter was the subject of a general discussion at a sittings of the Board held at Ottawa, on December 12 last.

The present practice of using a flag for protection purposes is considered very unsatisfactory, and a simple device, as set forth in the attached diagram, has been suggested for use. This could be made of light steel or wood, made so as to fold up.

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and when opened up can hang on the ladder rungs by hooks, as shown by sketch "A" on the sketch. The disk could project eighteen inches beyond the car and be ten inches in depth with a hook on the bottom side for hanging a lantern for night use. This disk would not be subject to the caprice of the wind as a flag would, and would be readily discernible for the full length of any ordinary train. Furthermore, as it can be so easily applied there will be no excuse for failure of employees to neglect its use.

The Board will be glad if the railway companies will give this suggestion careful consideration and let the Board have their views thereon as early as possible.

Yours truly,

A. D. CARTWRIGHT,
Secretary.

Circular No. 99.

BOARD OF RY. COM. FOR CANADA, December 2, 1912.

Application for Branch Lines, Section 222.

I am directed to inform you that, in making application to the Board for the approval of a branch line or spur, in addition to the plans required under the Board's rules and regulations, it will be necessary for railway companies to supply municipalities, in any way interested, with blue print of final plans.

By order of the Board,

A. D. CARTWRIGHT,
Secretary.

Circular No. 100.

BOARD OF RY. COM. FOR CANADA, December 3, 1912.

File 1750, Part 4.—Order No. 12225: Protection of Railway Employees.

I am directed by the Board to call the attention of the railway companies subject to its jurisdiction to the requirements of clause 1, sub-section "D," section 8, of order No. 12225, whereby:—

"Semaphores, signals, poles, or high or intermediate switchstands shall, within two years from the date of this order (November 9, 1910) be either removed or changed so that the same shall not be nearer than six feet from the gauge side of the nearest rail; or high and intermediate switch stands shall be changed to low or dwarf switchstands."

And to ask that you advise, within thirty days of the receipt of this circular, what action has been taken towards carrying out the said order of the Board.

By order of the Board,

A. D. CARTWRIGHT,
Secretary.

Circular No. 101.

BOARD OF RY. COM. FOR CANADA, December 27, 1912

File 21174.—Location of Emergency Valve on Passenger Equipment.

DEAR SIR,—I am directed to inform you that at the sittings of the Board to be held in Ottawa on Tuesday, January 7, 1913, the Board will consider the advisability

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of standardizing the position of the emergency valve on passenger equipment in use by steam railways subject to the jurisdiction of the Board.

By order of the Board,

A. D. CARTWRIGHT,
Secretary.

Circular No. 102.

BOARD OF RY. COM. FOR CANADA, Jan. 18, 1913.

Sharp flange wheels on locomotives and tenders.

The Board's inspectors are reporting quite a number of locomotives in service with sharp flanges on wheels of both locomotives and tenders, flanges in many instances being worn down to and below the Master Car Builders' standard allowance gauge.

Some of these locomotives are running on fast passenger trains; and while it is expected that freight cars may sometimes be found with flanges on wheels in the condition described above, it does not seem reasonable or safe to allow locomotives in service with wheel flanges worn so badly that they would not be accepted on cars at interchange points.

The Board would, therefore, urge upon you the importance of issuing to those in charge of the motive power on your lines of railway such instructions as will ensure change of wheels before flanges are so badly worn as to come under the M.C.B. standard defect gauge.

By order of the Board,

A. D. CARTWRIGHT,
Secretary.

Circular No. 103.

BOARD OF RY. COM. FOR CANADA, Jan. 3, 1913.

File 21173.—Injuries to Enginemen through derailment while running engine tender first.

The Board has been impressed with the number of injuries to enginemen (in some cases fatal) apparently due to engines being run tender first at excessive rates of speed; and hence the Board directs that all steam railways subject to the jurisdiction of the Board issue instructions requiring that engines running tender first, "other than suburban tank engines equipped with pilot on tender," shall not exceed a speed of twenty miles per hour, and that a copy of such instructions be filed with the Board.

By order of the Board,

A. D. CARTWRIGHT,
Secretary.

Circular No. 104.

BOARD OF RY. COM. FOR CANADA, Feb. 4, 1913.

File 6713, Case 2846.—Re General Interswitching.

DEAR SIR,—I am directed to inform you that at a sittings to be held in Ottawa on Tuesday, February 18 next, commencing at ten o'clock in the forenoon, the Board will take into consideration the proposed revision of order of the Board No. 4988, dated July 8, known as the General Interswitching Order, and of the draft revise suggested by the Board at the sittings held at Ottawa, November 5, 1912, for examination and comment.

By order of the Board,

A. D. CARTWRIGHT,
Secretary.

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Circular No. 105.

BOARD OF RY. COM. FOR CANADA, Feb. 4, 1913.

File 4205, Case 871—Flag Station.

DEAR SIR,—I am directed to inform you that at the sittings of the Board to be held in Ottawa on Tuesday, March 4, 1913, all railway companies subject to the jurisdiction of the Board will be required to show cause why clause 4 of the Board's Flag Station Order No. 9160, dated January 6, 1910, should not be amended so that the average earnings referred to in line 5 of said clause be \$12,000 instead of \$15,000, as at present.

By order of the Board,

A. D. CARTWRIGHT,
Secretary.

Circular No. 106.

BOARD OF RY. COM. FOR CANADA, Feb. 6, 1913.

File 3775.1.—Reciprocal Demurrage.

DEAR SIR,—I am directed to inform you that at a sittings to be held at the Central Station building, Ottawa, Ont., on Tuesday, April 15, commencing at ten o'clock in the forenoon, the Board will take up the question of reciprocal demurrage, and its suggested application in Canada.

By order of the Board,

A. D. CARTWRIGHT,
Secretary.

Supplement No. 1 to Circular No. 106.

BOARD OF RY. COM. FOR CANADA, March 13, 1913.

File 3775.1.—Reciprocal Demurrage.

I am directed by the Board to request that all Boards of Trade, trade associations, and shippers who are interested in the hearing by the Board at Ottawa, April 15 next, of the question of the suggested application of so-called "Reciprocal demurrage" in Canada, and have made complaints or representations to the Board in connection therewith, file with the Board, on or before March 25 next, full particulars of the alleged delays, or irregularities, upon which their complaints are based: these particulars to include car numbers, car initials, commodity, dates of shipment and arrival, points of shipment and destination, and name, or names, of the carrier, or carriers, together with facts pertinent to the said complaints.

A copy of such statement of particulars should be forwarded by the same mail to Mr. W. H. Biggar, general counsel, G.T.R., Montreal, Mr. E. W. Beatty, general solicitor, C.P.R., Montreal, or Mr. R. H. M. Temple, assistant solicitor, C.N.R., Toronto, as the case may be, where either of these three companies is concerned.

If the complaint is against any other railway, the copy should be forwarded to Mr. J. E. Duval, manager, Canadian Car Service Bureau, Montreal, P.Q.

By order of the Board,

A. D. CARTWRIGHT,
Secretary.

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Circular No. 107.

BOARD OF RY. COM. FOR CANADA, February 22, 1913.

File 4741—E.—Clearing Rights of Way.

I am directed to call your attention to section 297 of the Railway Act, which provides that the "company shall at all times maintain and keep its right of way free from dead or dry grass, weeds and other unnecessary combustible matter."

On account of the large amount of rain during the summer of 1912, the growth of vegetation was unusually heavy. On this account, the fire danger along railway lines is likely to be great during the early spring of 1913 and the ensuing summer, unless prompt and vigorous action is taken as required by section 297, above quoted.

The work of burning or otherwise disposing of combustible matter on rights of way should accordingly be begun at the earliest possible date in the spring and prosecuted vigorously until completed.

As required by regulation 10 of order 16570 such supervision of burning must be provided as will prevent fires from spreading beyond the strip being cleared.

Experience has shown that along portions of some lines, right of way clearing can be handled satisfactorily only by the employment of extra gangs. It is essential that each company take whatever steps are necessary to ensure prompt and efficient compliance with the requirements of section 297 of the Railway Act.

The Board requests that you submit a statement showing what arrangements have been or will be made for handling this work on your lines.

By order of the Board,

A. D. CARTWRIGHT,

Secretary.

Circular No. 108.

BOARD OF RY. COM. FOR CANADA, February 22, 1913.

File 4741, Part 3.—Re Instructions to Employees regarding Fire Protection Under Order No. 16570.

DEAR SIR,—I am directed by the Board to inform you that it has under consideration the amendment of regulation 15 of the order 16570, to read as follows:—

Every such railway company shall give particular instructions to its employees in relation to the foregoing regulations, and shall cause such instructions to be posted and maintained at all stations, terminals and section houses along its lines of railway. Said instructions to employees shall also be included in the employees time-tables in use between April 1 and November 1 of each year. As to lines or portions of lines where in its judgment, the fire danger is not material, the Board may, upon application, waive the requirements as to the posting of public notices and the inclusion of special instructions in employees time tables.

I am further directed to request that you submit to the Board in writing, within thirty days, any statement you may desire to make in this matter.

There is enclosed a tentative draft of instructions which may be used, if desired, as a basis for the preparation of special instructions to employees, as required in said regulation 15 of order No. 16570. The issuance of these particular instructions is not prescribed. It is, however, considered essential that the instructions to be issued shall embody the substance of regulations 6, 7, 10, 14 and 17 of order No. 16570.

Yours truly,

A. D. CARTWRIGHT,

Secretary.

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BOARD OF RY. COM. FOR CANADA, March 13, 1913.

File 4741, Part 3.—Re Instructions to Employees regarding Fire Protection Under Order No. 16570.

Referring to my Circular No. 108 of February 22, in connection with this matter, there have been some inaccuracies found in the tentative draft of instructions sent you and I would ask that you substitute the enclosed copy for the one previously sent you and return the incorrect copy to this office.

By order of the Board.

A. D. CARTWRIGHT,
Secretary.

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